

New Jersey Department of Education

***HARASSMENT, INTIMIDATION AND BULLYING
COMPLAINT PROCEDURES AND INVESTIGATION PROTOCOLS***

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New Jersey Department of Education
HARASSMENT, INTIMIDATION AND BULLYING (HIB)
COMPLAINT PROCEDURES AND INVESTIGATION PROTOCOLS

INTRODUCTION

It is well documented that harassment, intimidation and bullying (HIB) have serious psychological effects on victims manifested in low self-esteem, anxiety, depression and physical problems, including headaches, dizziness and stomach aches. High absenteeism, poor academic achievement, violence and suicide also have been documented as victim's responses to HIB. The New Jersey Legislature and State Board of Education have provided the statutory (*N.J.S.A. 18A:37-13 et seq.*) and regulatory (*N.J.A.C. 6A:16-7.9*) framework to prevent and respond to HIB in schools. Additionally, the New Jersey Department of Education (NJDOE) believes that it is a priority for all educators to ensure that every student feels safe and supported in school.

The NJDOE recognizes that HIB can create a highly emotional situation, particularly for the victim(s) and the parent(s) of a student(s) victimized by HIB, in which there are fears that the student(s) of concern is not safe on school grounds, on school buses or at school-sponsored functions. Therefore, the Office of Student Support Services in consultation with the county offices of education created this document for use by NJDOE staff to respond to HIB concerns. The use of this document will facilitate consistent, timely assistance to individuals who raise concerns about HIB in New Jersey public schools, promote quick resolution of HIB behavior, assist school district staff in their implementation of policies and practices that fulfill statutory and regulatory requirements, and ensure student safety and well being. The document includes the following three procedures for responding to HIB complaints:

- I) Protocol for Determining Appropriate Action Regarding HIB Complaints;
- II) Protocol for Formal Investigation of Complaints of Alleged HIB Incidents; and
- III) Protocol for Investigating either Ongoing Patterns of HIB or Systemic HIB Concerns.

Other Options and Resources

In addition to the information provided in the protocols, the following options and resources are available to complainants:

- 1) **Commissioner of Education** – A petition may be filed with the Commissioner of Education to hear and make determinations on controversies and disputes (*N.J.A.C. 6A:3-1.2(a)1*). (Information can be found at http://www.nj.gov/education/genfo/overview/faq_candd.htm.);
- 2) **Division on Civil Rights** – When a student has been subjected to bias-based HIB, that is, the student is harassed based on membership in a protected class (i.e., race, color, national origin, sex, ancestry, nationality, disability, religion, sexual orientation, gender identity or expression, marital status, civil union status, domestic partnership status) as set forth in the Law Against Discrimination (*N.J.S.A. 10:5*), a complaint against a school district may be filed with the Division on Civil Rights, within 180 days of the harassing conduct. (Additional information can be found at www.njcivilrights.org.);
- 3) **Superior Court of New Jersey** – As an alternative to filing a complaint with the Division on Civil Rights, a student who has been subjected to bias-based HIB may file a complaint against a school district alleging a violation of the Law Against Discrimination (LAD), *N.J.S.A. 10:5*, directly with the Superior Court of New Jersey. The same conditions apply as in a complaint filed with the Division on Civil Rights: to assert a violation of the LAD, the harassment must be based on the student's membership in a protected class (i.e., race, color, national origin, sex, ancestry, nationality, disability, religion, sexual orientation, gender identity or expression, marital status, civil union status, domestic partnership status). A Superior Court complaint alleging a violation of the Law Against Discrimination must be filed within two years of the bias-based HIB;

- 4) **Law Enforcement** – A complaint should be filed with law enforcement officials for alleged violations of law, including but not limited to assault, harassment or robbery;
- 5) **DFYS** – A report must be made to the Division of Youth and Family Services of the Department of Children and Families for incidents of alleged missing, abused or neglected children, pursuant to *N.J.S.A. 18A:36-25* and *N.J.S.A. 9:6-8.10*, both found at http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=22014257&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42; and
- 6) **Other** – A complainant may consult with or access the services of attorneys, other State agencies or other public or private organizations, as appropriate.

Resources and Rights

The following information provides the policy framework for preventing and responding to HIB in schools:

- 1) HIB statute (*N.J.S.A. 18A:37-14 et seq.*) (*Copy in Attachment 10: Other*) –
 - (http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=22014257&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42);
- 2) HIB regulations (*N.J.A.C. 6A:16-7.9*) (*Copy in Attachment 10: Other*) –
 - (<http://www.state.nj.us/education/code/current/title6a/chap16.pdf>);
- 3) The school district's HIB policy and its code of student conduct (CSC), which must be consistent with the district's actions and the HIB statute and regulations (Note: Districts must annually provide parents with a copy of the CSC (*N.J.A.C. 6A:16-7.1(a)4*), which must include the HIB policy (*N.J.A.C. 76A:16-7.1(c)7*, and the HIB policy must be posted on the district's Web site);
- 4) NJDOE's *Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses* (*Copy in Attachment 10: Other*) –
 - (<http://www.state.nj.us/education/parents/bully.htm>); and
- 5) NJDOE's Unsafe School Choice Option Policy (Provision II, Victims of Violent Criminal Offenses) (*Copy of 2010 version in Attachment 10: Other*) –
 - (<http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>).

Additional resources for supporting implementation of the protocols and for preventing and responding to HIB in schools follow:

- 1) See *Attachment 1: Resources for Harassment, Intimidation and Bullying Complaints*, which identifies additional authoritative materials, Government agencies and other resources.
- 2) The following Web site contains NJDOE's resources pertaining to the Electronic Violence and Vandalism Reporting System: <http://homeroom.state.nj.us/index.htm>. (*Copy of 2009-2010 Violence, Vandalism and Substance Abuse Incident Report Form in Attachment 10: Other.*)

New Jersey Department of Education

HARASSMENT, INTIMIDATION AND BULLYING (HIB) NJDOE COMPLAINT PROCEDURES AND INVESTIGATION PROTOCOLS

I. PROTOCOL FOR DETERMINING APPROPRIATE ACTION REGARDING HIB COMPLAINTS

- A. NJDOE Recusal** – When NJDOE staff members have knowledge of a court order, criminal complaint, juvenile delinquency complaint or other pending litigation regarding the allegation, or when law enforcement officials have taken charge of the matter, staff must explain to the complainant that the NJDOE must recuse itself because legal authorities and these legal actions take precedence over NJDOE actions. Advise the complainant that he or she should contact his or her legal representation or other resource(s) for assistance.
- 1) While NJDOE staff are not permitted to act on behalf of the complainant and their interested parties or school officials in these instances, staff are permitted to and should:
 - a) Provide factual information (e.g., HIB statute, HIB regulations); and
 - b) Identify available resources (e.g., NJDOE’s Web resources, such as the *Model Policy and Guidance for Prohibiting HIB and the Unsafe School Choice Option Policy*).
 - i) See *Introduction* section for Web links.
- B. Preliminary Actions** – It is possible that HIB complaints could be resolved without conducting a formal investigation. However, in all cases begin by taking the following actions, at a minimum:
- 1) **Intake Record** – A record of the initial communication must be maintained. To facilitate the collection of pertinent information, consider using the list of suggested fields. (See *Attachment 2: Sample List of Fields from OESS’s Complaint Intake Form*.)
 - 2) **Additional Documentation** – When additional documentation is provided or available (e.g., notes from phone calls, conversations or interviews, letters, emails, faxes, newspaper articles, documentation from the district), retain all relevant documentation.
 - 3) **Questions** – To facilitate communication with the complainant and to secure critical information, consider using the list of suggested questions, as appropriate. (See *Attachment 3: HIB Intake Interview Questions/Items*.)
 - 4) **Explanation of Procedures and Resources to the Complainant** – Explain the following NJDOE procedures to the complainant and stress the importance of following the appropriate steps for resolving an HIB complaint within the school(s) and school district where the incident(s) occurs.
 - a) **Local Resolution** – Encourage the complainant to attempt to resolve the situation with local school or school district staff, if they have not done so. Assist the complainant in determining the appropriate school or school district staff to contact. School and district staff members and officials who typically can assist include: the student’s teacher(s); the student’s counselor(s); the assistant principal or principal; the chief school administrator or charter school lead person; and the district board of education.
 - b) **County Office Investigation** – Explain that if the complainant and the local school and school district staff are unable to agree on a resolution, the county office of education will determine the method of investigation as follows:
 - i) Contact the school to:
 - (1) Discuss issues with school district administrators;
 - (2) Review actions taken to resolve the concern; and
 - (3) Recommend additional actions if the problem has not been resolved; **or**

- ii) Conduct a formal investigation. (See *II. Protocol for Formal Investigation of Complaints of Alleged HIB Incidents*).
 - c) **Formal Written Complaint to County Office of Education** – Advise the complainant that he or she has the right to file a written complaint with the county office of education. Explain the county office of education’s process for filing a written complaint. Inform the complainant that the written complaint should explain, at a minimum:
 - i) The issues, the concerns, and the allegations that are the basis for the complaint;
 - ii) The actions taken by the complainant and by school or school district staff to resolve the situation; and
 - iii) The complainant’s expected resolution of the complaint.
 - d) **Other Options** – Advise the complainant that at any time he or she may consult with or access the services of the Commissioner of Education, Division on Civil Rights, Superior Court of New Jersey, Law Enforcement, DFYS, or attorneys, other State agencies or other public or private organizations, as appropriate. (See the *Introduction* section.)
 - e) **Available Resources** – Inform the complainant of other options and available resources, as appropriate, and the complainant’s options and rights. (See the *Introduction* section.)
- 5) **District Contact** – After communicating with the complainant (see 1-4 above), contact the school district chief school administrator or charter school lead person and school building officials to notify them of the complaint and gather and document information about the incident(s), including actions taken and steps to resolve the issue:
- a) Provide the administrator with the information received from the complainant (e.g., written or verbal) and request a response. (For formal written complaints described in 4c, see *II. Protocol for Formal Investigation of Complaints of Alleged HIB Incidents*.)
 - b) When the official(s) is aware of the matter:
 - i) Review the action(s) taken by school district and school building staff;
 - ii) Advise the official(s) on the HIB statute, regulations and resources, as appropriate;
 - iii) Request the official to take immediate action to ensure the safety of the victim, as appropriate;
 - iv) Request additional actions, as appropriate, in accordance with the HIB statute, regulations and the district’s policies and procedures; and
 - v) Offer assistance to the official, as needed.
 - c) When the official(s) is not aware of the matter:
 - i) Request the official to resolve the matter in accordance with the HIB statute, regulations and the district’s policies and procedures;
 - ii) Give the official a due date for providing the county office of education with a status report of the action(s) being taken by the school or district;
 - iii) Request the official to take immediate action to ensure the safety of the victim, as appropriate; and
 - iv) Offer assistance to the official, as needed.
 - d) In all cases, the information requested and documented should include, at a minimum, the action(s) and steps the district has taken to resolve the issue, including:
 - i) Consequences imposed on the offender(s);
 - ii) Remedial actions taken to change the behavior of the student(s) committing the act; and
 - iii) The support given to the victim. (See *II. Protocol for Formal Investigation of Complaints of Alleged HIB Incidents, section A.2* for more details on the type of supports.)
- 6) **County Office of Education Determination** – Based on the information gathered from the school district and school building officials and the complainant, make a determination on whether:
- a) The district has acted in compliance with statute, regulations and the district’s policies and procedures, and has taken reasonable actions to ensure the safety of the victim(s) when on school grounds, on school buses and at school-sponsored functions;
 - b) Additional follow up is needed when the district has not taken reasonable steps to:

- i) Provide a safe environment at school for the victim(s);
- ii) Have the victim(s) return to school; or
- iii) Follow district policies and procedures, consistent with state statutes and regulations; and
- c) A formal investigation is warranted. Although a formal investigation may be conducted at any time, as determined appropriate by the county office of education, an investigation must be conducted when:
 - i) A formal written complaint has been filed with the county office of education that provides an explanation of the issues, concerns, allegations, actions taken by the complainant and school and district staff to resolve the situation, and complainant's expected resolution of the complaint;
 - ii) When the issue or area of non-compliance has not been resolved per 1-6(b) above;
 - iii) When additional facts are needed to make a determination;
 - iv) When there is a pattern of an HIB issue or concern; or
 - v) When the county office of education has a systemic HIB concern, even when the individual complaint has been resolved.

- 7) **Notification of Determination** – Notify the complainant and chief school administrator, as appropriate, of the county office of education's determination.
- a) Notify the complainant and the chief school administrator that a formal complaint investigation will be conducted.
 - i) A sample letter is provided for use when notifying the complainant that a formal investigation will be conducted. (See *Attachment 4: Notice of Investigation from County Office to Complainant* for notification template.)
 - ii) A sample letter is provided for use when notifying the chief school administrator that a formal investigation will be conducted. (See *Attachment 5: Notice of Investigation from County Office to Chief School Administrator* for notification template.)
 - b) Notify the complainant when there is a determination other than an investigation. For example, when:
 - i) Insufficient information or documentation of the complaint has been provided;
 - ii) Insufficient attempts have been made to resolve the complaint with local school or school district officials;
 - iii) Based on the information provided, the complaint should be referred to another agency, (e.g., Law Enforcement, Division on Civil Rights); or
 - iv) School or school district officials have acted in accordance with local policies and procedures and state statutes and regulations, and the complaint has been resolved.

II. PROTOCOL FOR FORMAL INVESTIGATION OF COMPLAINTS OF ALLEGED HIB INCIDENTS

NOTE: Pending the outcome of a formal investigation, actions should be taken immediately to ensure the victim's safety and attendance at school.

A. Determination of Investigation Strategy

- 1) Determine the facts that are needed to confirm or refute the identified allegations and determine the district's compliance with statute, regulations and board policies and procedures, including, but not limited to the:
 - a) **Consequences** that were imposed on the individual(s) committing an act of HIB, that took into account the student's developmental age, the nature of the behavior and the student's history of inappropriate behaviors and performance (*N.J.A.C. 6A:16-7.9(a)2v*). (See *Attachment 6: Examples of Consequences and Remedial Measures for Individuals Committing HIB Acts, Support for Victims of HIB, and Corrective Actions for Systemic HIB Problems* for ideas on consequences.)
 - b) **Remedial action(s)** that were taken to change the behavior of the student(s) committing an act of HIB that took into account the student's developmental age, the nature of the behavior and the student's history of inappropriate behaviors and performance (*N.J.A.C. 6A:16-7.9(a)2iv*), which could include:
 - i) Supportive interventions and supportive referral services, including those at *N.J.A.C. 6A:16-8, Intervention and Referral Services*;
 - ii) School counseling;
 - iii) A behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate; and
 - iv) Other possible remedial actions. (See *Attachment 6: Examples of Consequences and Remedial Measures for Individuals Committing HIB Acts, Support for Victims of HIB, and Corrective Actions for Systemic HIB Problems* for additional ideas on remedial actions.)
 - c) **Support** that was provided to the victim(s) of HIB [*N.J.A.C. 6A:16-7.9(a)ix(1)*]. (See *Attachment 6: Examples of Consequences and Remedial Measures for Individuals Committing HIB Acts, Support for Victims of HIB, and Corrective Actions for Systemic HIB Problems* for ideas on support for victims.)
- 2) Select the appropriate actions for confirming or refuting the allegations, which may include, but that are not limited to the following:
 - a) Reviewing multiple records or other documents;
 - b) Interviewing school or school district staff;
 - c) Observing the conditions related to the complaint;
 - d) Verifying information provided by district officials;
 - e) Verifying facts; or
 - f) Verifying implementation of corrective actions.

B. Conducting the Investigation

- 1) **Case File** – Maintain a file to retain relevant documentation (e.g., intake record, notes from phone calls, conversations or interviews, letters, emails, faxes, newspaper articles, documentation from the district).
- 2) **District Contact** – Contact the appropriate school official(s) regarding the formal investigation.
 - a) Provide written notification to the chief school administrator (See *Attachment 5: Notice of Investigation from County Office to Chief School Administrator* for notification/authorization template); and
 - b) Provide and gather information as explained in *I. Protocol for Determining Appropriate Action Regarding HIB Complaints*, section B.5), if not previously completed.

- 3) **Fact Finding** – Conduct the following fact finding activities, as appropriate:
- a) Review the board-approved HIB policies and procedures and the code of student conduct to identify required school actions and the parent’s and student’s rights and responsibilities (See *Attachment 7: Code of Student Conduct Review Checklist* and *Attachment 8: Review of District Policies and Procedures on Harassment, Intimidation and Bullying* for guidance);
 - b) Interview individuals (e.g., parent(s), the individual making the report, key involved district staff, and the victim(s) with parent permission), as necessary, to:
 - i) Clarify allegations or concerns;
 - ii) Identify parent and school actions taken; and
 - iii) Identify both the preferred and acceptable remedies or outcomes (see *Attachment 2: Sample Intake and Interview Questions/Items*);
 - c) Review documentation on the alleged offender(s), the alleged victim(s) (e.g., student files) and the school and district staff responses to the incident(s) and the complaint(s);
 - d) Review the accuracy and completeness of the relevant incident report(s) for the Electronic Violence and Vandalism Reporting System (*N.J.S.A. 18A:17-46* and *N.J.A.C. 6A:16-5.3*);
 - e) Review police report(s), if available and appropriate, or reports or records of other legal involvement; and
 - f) Collect any and all other information as necessary.
- 4) **County Office Determination** – Based on the findings from the investigation, determine whether:
- a) School officials promptly and thoroughly investigated the report(s) of HIB (*N.J.A.C. 6A:16-7.9(a)2viii*);
 - b) School officials followed the board-approved HIB policies and procedures (*N.J.A.C. 6A:16-7.9*, Intimidation, harassment and bullying), including completion of a prompt and thorough investigation and implementation of all required consequences and remedial actions for the individual(s) committing the HIB and support for the victim(s), consistent with the board-approved code of student conduct (*N.J.A.C. 6A:16-7.1*) and the HIB statute (*N.J.S.A. 18A:37-14 et seq.*); and
 - c) Reasonable actions were taken to ensure the safety of the victim(s) when on school grounds, on school buses and at school-sponsored functions.

C. Concluding the Investigation – Conclude the investigation when all fact finding has been completed and determinations have been made. Notify the chief school administrator and the complainant in writing of the county office of education’s conclusions, (see *Attachment 9: Notice of Findings from County Office to Chief School Administrator* for notification template. The complainant receives a copy of the notice).

- 1) Summarize the allegations and findings; **and either**
- 2) Require the chief school administrator to submit a written corrective action plan designed to resolve the findings of noncompliance; **or**
- 3) Stipulate that the district acted in compliance with all requirements.

D. Follow up on Corrective Action Plan – The county office of education verifies that the corrective action plan has been implemented by the district and verifies that the areas of non-compliance have been corrected by:

- 1) Reviewing and approving the district’s corrective action plan or requesting modifications until the plan is approvable;
- 2) Verifying that the approved corrective action plan was implemented; and
- 3) Seeking additional sanctions if the district fails or refuses to implement the corrective action plan, such as:
 - a) Request the NJDOE’s Office of Fiscal Accountability and Compliance to conduct a compliance review of the matter; or

- b) Request the Commissioner of Education to issue a “show cause” order for actions, including, but not limited to:
 - i) Compensatory services; and/or
 - ii) Withholding state aid.

III. PROTOCOL FOR INVESTIGATING EITHER ONGOING PATTERNS OF HIB OR SYSTEMIC HIB CONCERNS

- A. **Fact Finding** - Address the appropriate items below based on the specifics of the complaint or concerns identified by the county office of education:
- 1) Follow the *II. Protocol for Formal Investigation of Complaints of Alleged HIB Incidents, sections II.A and IIB.1-4*, if not previously completed and as appropriate.
 - 2) **Policies and Procedures** – Review the board-approved HIB policies and procedures and the code of student conduct to determine compliance with the authorizing statute (*N.J.S.A. 18A:37-14 et seq.*), the HIB regulations (*N.J.A.C. 6A:16-7.9*) and the applicable student conduct regulations (*N.J.A.C. 6A:16-7, Student Conduct*).
 - a) The review checklist for the HIB regulations can be found at <http://www.nj.gov/education/students/safety/behavior/hib/checklist.pdf>; and
 - b) The review checklist for the code of student conduct regulations can be found at <http://www.nj.gov/education/students/safety/behavior/codes/checklist.pdf>.
 - c) In particular, determine the degree to which the district has identified in its HIB policy a wide range of responses, including a range of consequences and remedial actions for aggressors and support for victims, once an incident of HIB has been identified (*N.J.A.C. 6A:16-7.9(a)2ix*).
 - 3) **Implementation of Policies and Procedures** – Determine the degree to which the HIB policies and procedures and the code of student conduct have been consistently implemented in accordance with the HIB statute, regulations and district policies and procedures.
 - 4) **HIB Reporting** – Determine whether the district’s HIB reporting procedures either facilitate or discourage the reporting of acts of HIB (*N.J.A.C. 6A:16-7.9(a)2vii*).
 - 5) **Resolution of Prior Problems** – Determine the results of corrective actions taken for any prior documented systemic problems related to HIB [*N.J.A.C. 6A:16-7.9(a)ix(1)*].
 - 6) **Student Understanding** – Determine whether the district’s annual process for discussing the district’s HIB policy with students encourages and facilitates discussion and understanding, rather than only provides information (*N.J.A.C. 6A:16-7.9(d)2*).
 - 7) **Staff Training** – Determine whether the district has:
 - a) Annually reviewed the training needs of district staff for the effective implementation of HIB policies, procedures, programs and initiatives; and
 - b) Implemented locally determined training programs to staff that are consistent with the documented training needs (*N.J.A.C. 6A:16-7.9(d)1*) and the chief school administrator’s annual review of the code of student conduct (*N.J.A.C. 6A:16-7.1(a)5*).
 - 8) **New Employee Training** – Review the district’s training program for new employees to determine whether the HIB policy is addressed (*N.J.A.C. 6A:16-7.9(d)1i*).
 - 9) **District Programs** – Determine whether:
 - a) The district completed an annual review of the extent and characteristics of HIB in the school buildings of the district; and
 - b) Programmatic or other responses were implemented to address the findings of the review (*N.J.A.C. 6A:16-7.9(d)3*).

(The findings from the review should be consistent with the chief school administrator's annual report on the implementation of the code of student conduct to the board of education, pursuant to N.J.A.C. 6A:16-7.1(a)5.)

- 10) ***Community Involvement in Programs*** – Determine whether and how parents, students and other community members, including appropriate community based social and health provider agencies, law enforcement officials, school employees, school volunteers, students and school administrators have been involved in planning the programmatic or other responses (*N.J.A.C. 6A:16-7.9(d)3i*).
 - 11) ***Community Involvement in Policies and Procedures*** – Determine whether and how parents, students and other community members, including appropriate community based social and health provider agencies, law enforcement officials and school employees have been consulted in the development of the HIB policies and procedures (*N.J.A.C. 6A:16-7.9(a)1*).
- B. ***Investigation Conclusion*** – Follow the *II. Protocol for Formal Investigation of Complaints of Alleged HIB Incidents, sections II.C and II.D*, to conclude the investigation and follow up on corrective actions, if appropriate.

ATTACHMENT 1

NEW JERSEY DEPARTMENT OF EDUCATION (NJDOE) RESOURCES FOR HARASSMENT, INTIMIDATION AND BULLYING (HIB) COMPLAINTS

Authoritative Materials

HIB Statute (N.J.S.A. 18A:37-13 et seq.)

http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=205003&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42

HIB Regulations (N.J.A.C. 6A:16-7.9)

<http://www.nj.gov/education/code/current/title6a/chap16.pdf>

NJDOE's publication titled Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses

<http://www.state.nj.us/education/parents/bully.htm>

Checklist for the Review of District Policies and Procedures on HIB

<http://www.nj.gov/education/students/safety/behavior/hib/#resources>

Code of Student Conduct Review Checklist

<http://www.nj.gov/education/students/safety/behavior/codes/#resources>

NJDOE's Unsafe School Choice Option Policy

<http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>

Unsafe School Choice Option Policy: Questions and Answers

<http://Www.State.Nj.Us/Education/Grants/Nclb/Policy/Unsafeqa.Htm>

Memorandum of Agreement Between Education and Law Enforcement Officials

<http://www.state.nj.us/education/schools/security/regs/agree.pdf>

Memorandum of Agreement Between Education and Law Enforcement Officials

Education-Law Enforcement Working Group: Frequently Asked Questions

<http://www.nj.gov/education/schools/security/regs/agreefaq.pdf>

Violence and Vandalism Reporting System

<http://homeroom.state.nj.us/index.htm>

District and School Summaries of Violence and Vandalism Incident Data

<http://www.state.nj.us/education/schools/vandv/>

The Commissioner of Education's Annual Reports on Violence, Vandalism and Substance Abuse to the State Legislature

<http://www.state.nj.us/education/schools/vandv/>

Annual School Violence Awareness Week and Annual School Violence Public Hearing Guidelines

<http://www.nj.gov/education/students/safety/behavior/violence.shtml>

L.W. v. Toms River Regional School Boards of Education (A-111-05)

http://www.edlawcenter.org/ELCPublic/elcnews_070305_SupremeCourtLWDecision.pdf

Government Agencies

Division on Civil Rights

New Jersey Department of Law and Public Safety

www.njcivilrights.org

Division on Civil Rights

Office for Civil Rights

United States Department of Education

<http://www2.ed.gov/about/offices/list/ocr/index.html>

Office of Bias Crimes and Community Relations

New Jersey Department of Law and Public Safety

<http://www.nj.gov/oag/dcj/obccr/>

Division of Field Services/County Offices of Education

New Jersey Department of Education

<http://www.state.nj.us/education/genfo/overview/divisions.htm>

Office of Controversies and Disputes

New Jersey Department of Education

http://www.nj.gov/education/genfo/overview/faq_candd.htm

New Jersey School Security Unit

New Jersey Department of Education

<http://www.nj.gov/education/schools/security/>

Division of Youth and Family Services

New Jersey Department of Children and Families

<http://www.state.nj.us/dcf/divisions/dyfs/>

Other Resources

Keeping Our Kids Safe, Healthy and in School

New Jersey Department of Education

<http://www.nj.gov/education/students/safety>

What Works Clearinghouse

United States Department of Education

<http://ies.ed.gov/ncee/wwc/>

National Registry of Evidence-based Programs and Practices

Substance Abuse and Mental Health Services Administration

<http://nrepp.samhsa.gov>

American Civil Liberties Union

<http://www.aclu-nj.org/>

Stop Bullying Now Campaign

Human Resources Services Administration (HRSA)

<http://www.stopbullyingnow.hrsa.gov/kids/>

New Jersey State Bar Association

<http://www.njsbf.org/>

The Center for Safe and Responsible Internet Use (cyber bullying)

<http://www.cyberbully.org/>

New Jersey Coalition for Bullying Awareness and Prevention

<http://www.njbullying.org/>

Gay, Lesbian and Straight Education Network

<http://www.glsen.org/cgi-bin/iowa/all/home/index.html>

ATTACHMENT 2

Sample List of Fields from Office of Student Support Services' (OSSS) Complaint Intake Form (Copy of OSSS's Intake Form Attached)

Below is a list of suggested fields for an intake form to help organize information received during a phone conversation. This can be adapted to fit your needs. Attached is an example of the form for an Access database used by the Office of Student Support Services for intake, recordkeeping, updating and using for a historical review of each case.

INFORMATION COLLECTION

- Tracking Number
- Received by Name
- Date of Call
- Caller First and Last Name
- Caller Affiliation (e.g., parent/guardian, organization, school name)
- Caller Type (parent, student, teacher, school administrator etc.)
- Caller Phone Number
- Alternative Phone Number
- Email
- Fax Number
- School Name (i.e., site of alleged concern)
- District Name
- District Code
- Type of Call (e.g., HIB, violence and vandalism, student conduct)
- Incident Description

ACTIONS TAKEN (Examples provided below.)

- Date action taken
- Principal contacted
- School board contacted
- Other district personnel contacted (text box)
- Referral to state or local agencies, or other resources
- Incident close date

ATTACHMENT 3

SAMPLE INTAKE AND INTERVIEW QUESTIONS/ITEMS FOR HIB COMPLAINTS AND INVESTIGATIONS

INTAKE QUESTIONS FOR PARENTS

1. Request contact information: "May I have your name, telephone number and relationship to the student or situation of concern?"

Prompts:

- a. Name of caller
- b. Phone number
- c. Relationship to "victim"

2. Request information about the student: "Please tell me the student's age and grade, the name of the school the student attends and the name of the school district."

Prompts:

- a. Age and Grade
- b. School
- c. School District

3. Request information about the incident(s): "Please briefly describe the incident, including when it occurred, where it occurred and what took place. Was it a single incident or have incidents been occurring over a period of time? How long has this been taking place?"

Prompts:

- a. Location
- b. Nature of the incident(s) (e.g., verbal, physical, property damage)
- c. Ongoing or isolated
- d. Time frame

4. Ask for the steps that have already been taken to address or resolve the concern: "Who at the school (e.g., teacher, counselor, assistant principal, principal, assistant superintendent, chief school administrator, school board member) have you spoken to about this situation?"

Information to obtain:

- a. Was some form of verbal complaint made or written complaint submitted to school or school district officials?
- b. Were school building staff members contacted? If so, what were the results?
 - 1) Left messages 2) Had a discussion(s) 3) Had a meeting(s)
- c. Were school district staff contacted? If so, what were the results?
 - 1) Left messages 2) Had a discussion(s) 3) Had a meeting(s)

5. Ask for the actions, if any, that have been taken as a result of the steps described above: "Has any action been planned or taken as a result of any discussions or meetings with school staff?"

Possible responses:

- a. No action was taken
- b. Inadequate action was taken

6. Ask about the complainant's familiarity with the school district's HIB policy: "What do you know about the school district's policies regarding harassment, intimidation and bullying and the district's code of student conduct?"

- a. Provide the complainant with appropriate information: Refer the parent to the regulations on harassment, intimidation and bullying, *N.J.A.C. 6A:16-7.9* and codes of student conduct, *N.J.A.C. 6A:16-7.1*, on the department's Web site at <http://www.nj.gov/education/code/current/title6a/chap16.pdf>.

7. Next steps:

- a. Inform the complainant that the district annually must provide parents, school staff and students with a copy of the code of student conduct (CSC), including the HIB policy (per *N.J.A.C. 6A:16-7.1(a)4* and *7.1(c)7*).
- b. If the complainant does not have a copy of the CSC, including the HIB policy, he or she has the right to request and receive this information.
- c. Inform the complainant of any applicable, key information from the *HIB Complaint Procedures and Investigation Protocols*, (e.g., the importance of first attempting to resolve the situation with the school and school district staff; that nothing should interfere with providing immediate relief to a student; that there are options and resources available to them; that they can file a written complaint with the county office of education).

INTERVIEW QUESTIONS FOR SCHOOL AND DISTRICT STAFF

SCHOOL RESPONSE: Contact the appropriate school official(s) to determine whether he or she is aware of the incident(s)/situation. If so, identify all actions taken by school staff.

- a. "What do you know about any instances of HIB involving this student(s) at XYZ School?"
- b. "What types of consequences and remedial actions for the HIB offenders have been implemented?"
- c. "What type of support for the victim(s) has been provided in response to the HIB?"
- d. "How many total incidents have been reported between the offender(s) and the victim(s)?"
- e. "To what degree has the responses of school staff prevented HIB and provided safety for the victim?"
- f. "To what degree and how have school staff (e.g., teachers, students, student support services, administrators) and parents been involved in the resolution of the complaint?"
- g. "What are the parent's, and the school and district staff's degree of satisfaction with the school's actions in resolving the complaint?"

INCIDENT SPECIFIC (If appropriate): Gather more detailed information from staff members involved in the HIB incident(s):

- a. "Describe the behaviors of concern?"
- b. "What did you do to intervene in each incident?"
- c. "What actions did you take after each incident?"
- d. "Who was immediately notified of each incident?"
- e. "What have you done to prevent future occurrences of the HIB?"

- f. "Have you observed additional incidents between the offender(s) and the victim?" "If so, what is the status?"
- g. "What other relevant information can you provide regarding the incident(s)?"

FOLLOW-UP QUESTIONS FOR SCHOOL DISTRICT AND SCHOOL ADMINISTRATORS

ABOUT THE VICTIM: Speak with relevant administrators, such as the chief school administrator and the principal, and review the victim's records to confirm that the support provided to the victim is sufficient, appropriate and effective. Sample follow-up questions:

- a. "What support has been provided for the victim?"
- b. "Was the support effective, in that it allowed the victim to feel safe in school, including during the times and places the incident(s) occurred?"
- c. "Has the student been consistently attending school, all classes, and applicable functions, without further incidents since the support was provided?"

FOLLOW-UP QUESTIONS FOR PARENTS ABOUT THE VICTIM, AND, IF APPROPRIATE, THE STUDENT WHO WAS THE VICTIM:

- a. "What support has been provided for your child?"
 - Victim: "What support has been provided to you?"
- b. "Was the support effective – does your child feel safe in school, including during the times and in the places the incident(s) occurred?"
 - Victim: "Do you feel safe in attending school, classes, lunch, and applicable school functions and extra-curricular activities?"
- c. "Has your child been consistently attending school, all classes, and applicable functions, without further incidents since the support was provided?"

FOLLOW-UP QUESTIONS FOR SCHOOL DISTRICT AND SCHOOL ADMINISTRATORS ABOUT THE OFFENDER:

- a. "What consequences were imposed on the offender(s)?"
- b. "How effective have the consequences been in preventing further incidents?"
- c. "What remedial actions have been taken with the offender?"
- d. "How effective have the remedial actions been in preventing the offender from committing additional acts of HIB against the victim or other students?"

QUESTIONS WHEN INVESTIGATING POSSIBLE SYSTEMIC HIB ISSUES: Review the board-approved HIB policies and procedures to determine compliance with the authorizing statute (*N.J.S.A. 18A:37-14 et seq.*), the HIB regulations (*N.J.A.C. 6A:16-7.9*) and the applicable student conduct regulations (*N.J.A.C. 6A:16-7, Student Conduct*). Interview staff and parents (students, if necessary and with parental approval) to evaluate whether there is evidence of systemic problems.

- a. Annual Review: Ask district administrators:
 - "What were the findings from the annual review of the extent and characteristics of HIB in the school buildings of the district?"
 - "What actions were taken by district officials as a result of the annual review?"
- b. Responses to the annual review of HIB: Ask school staff, volunteers, parents, and community members (students, if appropriate and with parental approval):

- “How have you been involved in planning the programmatic or other responses to the findings from the annual review of HIB in the school district?”
- c. Professional Development: Ask school and district administrators:
 - “How have you annually reviewed the training needs of district and school staff for the effective implementation of HIB policies, procedures, programs and initiatives?”
 - “What training needs were identified as a result of the review?”
 - “What training programs have been provided to school staff that are consistent with the documented training needs and the chief school administrator’s annual review of the code of student conduct?”
- d. Awareness of HIB policies: Ask school and district administrators, staff, parents and students:
 - “Are you aware of any of the requirements in the district’s HIB policy?” If so, please identify.
 - “Do you know where to find the district’s HIB policy?”

ATTACHMENT 4

**--- Notice of Investigation ---
(from County Office to Complainant)**

(INSERT DATE OF LETTER)

(INSERT NAME OF COMPLAINANT)

(INSERT COMPLAINANT'S MAILING ADDRESS AND ZIP CODE)

Subject: Notification of Investigation

Dear *(INSERT NAME OF COMPLAINANT)*:

This is to inform you that the *(INSERT COUNTY OFFICE OF EDUCATION NAME)* is in receipt of your written complaint and has begun an investigation regarding your allegation of harassment, intimidation and bullying in the *(INSERT SCHOOL OR SCHOOL DISTRICT NAME)*. You are advised that the investigation will take as long as necessary to make final determinations based on the facts. At the conclusion of the investigation, you will be notified of the findings and determinations made regarding your complaint.

Please know that we intend to conduct a thorough and impartial investigation of your concerns, since the safety and well-being of children in schools is a priority of this office. Should you have questions, contact *(INSERT NAME AND TITLE OF COUNTY OFFICE REPRESENTATIVE)* of the *(INSERT NAME OF COUNTY OFFICE OF EDUCATION)* at *(INSERT TELEPHONE OR EMAIL OF COUNTY OFFICE REPRESENTATIVE)*.

Sincerely,

(INSERT NAME OF EXECUTIVE COUNTY SUPERINTENDENT)

Executive County Superintendent

c: Commissioner of Education
Deputy Commissioner of Education
Chief of Staff
Assistant Commissioner, Division of Education System Efficiency
Assistant Commissioner, Division of Student Services
Director, Office of Student Support Services
(School Principal – Optional)

ATTACHMENT 5

**--- Notice of Investigation ---
(from County Office to Chief School Administrator)**

(INSERT DATE OF LETTER)

(INSERT NAME AND TITLE OF CHIEF SCHOOL ADMINISTRATOR OR CHARTER SCHOOL LEAD PERSON)

(INSERT NAME OF SCHOOL DISTRICT OR CHARTER SCHOOL)

(INSERT SCHOOL DISTRICT OR CHARTER SCHOOL MAILING ADDRESS AND ZIP CODE)

Dear *(INSERT NAME OF CHIEF SCHOOL ADMINISTRATOR OR CHARTER SCHOOL LEAD PERSON)*:

This is to inform you that the New Jersey Department of Education (NJDOE) has received a complaint regarding alleged harassment, intimidation and bullying in the *(INSERT SCHOOL OR SCHOOL DISTRICT NAME)*. Based on the information provided to the *(INSERT COUNTY OFFICE OF EDUCATION NAME)*, a decision has been made to investigate the allegations. *(INSERT COUNTY OFFICE OF EDUCATION STAFF PERSON'S NAME)* will be in contact with you to initiate and conduct the investigation.

Please be advised that NJDOE staff members are authorized to have full access to all school district employees and officials and all educational materials and records, including all student and staff files and all other documents the NJDOE deems relevant to complete the investigation and produce findings regarding the complaint. For your reference, enclosed please find a copy of the NJDOE's Harassment, Intimidation and Bullying Complaint Procedures and Investigation Protocols that will guide NJDOE staff, as appropriate, in conducting the investigation. You are encouraged to review the procedures and protocols and prepare accordingly for the investigation, which is intended to ensure that students are supported and learning in safe school environments.

Thank you for your cooperation in this matter. Should you have questions, please contact me at *(INSERT PHONE NUMBER AND EMAIL ADDRESS)*.

Sincerely,

(INSERT NAME OF EXECUTIVE COUNTY SUPERINTENDENT)

Executive County Superintendent

Enclosure

c: Commissioner of Education
Deputy Commissioner of Education
Chief of Staff
Assistant Commissioner, Division of Education System Efficiency
Assistant Commissioner, Division of Student Services
Director, Office of Student Support Services
(School Principal – Optional)

ATTACHMENT 6

EXAMPLES OF CONSEQUENCES AND REMEDIAL MEASURES FOR INDIVIDUALS COMMITTING HIB ACTS, SUPPORT FOR VICTIMS OF HIB, AND CORRECTIVE ACTIONS FOR SYSTEMIC HIB PROBLEMS

The HIB statute (*N.J.S.A. 18A:37-13 et seq.*) and regulations (*N.J.A.C. 6A:16-7.9*) require districts to implement a *range of responses* to HIB incidents. The responses must include *remedial actions* provided for and *consequences* imposed on a student or for a staff member who commits an act of HIB. Additionally, the HIB regulations require the responses to include *support for victims* of HIB and *corrective actions for documented systemic problems* related to HIB. The overall school climate and school culture and the individual and institutional factors that contribute to climate and culture might overtly or inadvertently support HIB behavior; these factors *always* should be considered in the response to an act of HIB. Guidance for and examples of consequences, remedial measures, victim support and corrective actions for systemic HIB concerns are provided below.

GENERAL COMMENTS ON RANGE OF RESPONSES TO HIB

Some HIB acts may be isolated incidents requiring school officials to respond to the individuals committing the acts and provide support for the victims, consistent with the school board-approved code of student conduct and *N.J.A.C. 6A:16-7*. Other acts may be so serious or parts of a larger pattern of HIB that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

Districts should be encouraged to set the range of responses, including individual, classroom, school or district responses to student offenders, as appropriate, such as the following:

- *Individual responses* can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors and consequences, including logical or natural consequences (e.g., restitution, restoration, community service) or punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion). However, peer mediation should be avoided in HIB cases to prevent further victimization of the victim and to avoid placing the victim in further jeopardy by the alleged offender(s) or his or her followers.
- *Classroom responses* can include class discussions about an incident of HIB, role plays, research projects, observing and discussing audio-visual materials or books on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management.
- *School responses* can include theme days, learning station programs, acts of kindness programs or awards, use of student survey data to plan prevention and intervention programs/activities, social norms campaigns, posters, public service announcements, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices, and HIB prevention campaigns.
- *District-wide responses* can include adoption of school-wide programs (e.g., school-climate improvement), community involvement in policy review and development, professional development programs, adoption of curricula, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based) and HIB prevention campaigns.

Memorandum of Agreement - School districts should be reminded that the required *Memorandum of Agreement Between Education and Law Enforcement Officials*, per *N.J.A.C. 6A:16-6.2(b)13* (<http://www.state.nj.us/education/schools/security/regs/agree.pdf>), defines the conditions under which school officials are required to report suspected hate crimes or bias-related acts to law enforcement authorities. Since some acts of HIB may be bias-related acts and potentially hate or bias crimes, school officials *must report* to law enforcement officials either serious acts or those which may be part of a larger pattern. Additionally, all incidents of HIB, including related offender and victim information, must be reported over the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to *N.J.S.A. 18A:17-46* and *N.J.A.C. 6A:16-5.3*.

Unsafe School Choice Option Policy - Additionally, any student who is a victim of a violent criminal offense, as determined by the criteria in the federally mandated Unsafe School Choice Option policy (<http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>), must be allowed to attend a safe school within the district, if there is a school in the district with the same grade level.

REMEDIAL MEASURES

Remedial measures for a student or a staff member who commit an act of HIB must be designed to correct the problem behavior and prevent another occurrence of the problem. The remedial measures for students and staff may include, but are not limited to, the examples listed below:

Examples of Remedial Measures for Students

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school "disciplinary;"
- Student counseling;
- Parent conferences;
- Short-term counseling;
- Participation in life skills groups; and
- Student treatment or therapy.

Examples of Remedial Measures for Staff

- Restitution and restoration;
- Mediation;
- Corrective instruction or other relevant learning or service experience;
- Behavioral management plan, with benchmarks that are closely monitored;
- Counseling; and
- Treatment or therapy.

CONSEQUENCES

Consequences for a student who commits an act of HIB must be varied and graduated according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the district board of education's approved code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*, Code of student conduct (CSC). Consequences for a student who commits one or more acts of HIB may range from *positive* behavioral interventions up to and including suspension or expulsion of students, as set forth in the CSC, including those identified below. Examples of consequences for a staff member who commits an act of HIB are also provided below.

Examples of Consequences for Students

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- After-school programs;
- Out-of-school suspension (short-term or long-term);
- Legal action; and
- Expulsion.

Examples of Consequences for Staff

- Admonishment;
- Letter of reprimand;
- Probation;
- Salary freeze;
- Temporary removal from duties;
- Legal action; and
- Termination.

SUPPORT FOR VICTIMS OF HIB

It is not sufficient to only impose consequences and to implement strategies for remediating the behavior of students or staff who commit acts of HIB. *Support* must be provided for the *victims* of HIB. Districts should identify a range of strategies and resources that will be available to individual victims of HIB and should respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location and degree of support are directly related to the student's perception of safety. Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, disciplined educational environment. Some examples are provided below:

Examples of Support for Student Victims of HIB

- Counseling;
- Teacher aides;
- Hallway and playground monitors;
- Seating changes;
- Schedule changes;
- School transfers;
- Before- and after-school supervision;

- School transportation supervision; and
- Treatment or therapy.

Examples of Support for Staff Victims of HIB

- Counseling;
- Furlough or other leave;
- Schedule or assignment changes;
- School transfers; and
- Treatment or therapy

SYSTEMIC HIB MEASURES

Corrective actions should be taken to address documented systemic problems related to HIB, such as when there is an ongoing, unresolved HIB complaint; when there are concerns with patterns of HIB complaints; or when concerns of systemic HIB issues have been raised as a result of an investigation or as documented in a complaint (e.g., school officials not fulfilling their responsibilities regarding HIB laws and regulations). Institutional (i.e., classroom, school building, school district) responses typically will include a combination of strategies, which could include the following:

Examples of Environmental/Systemic (Classroom, School Building or School District) Measures

- Analysis of existing data to identify HIB issues and concerns;
- Use of findings from school surveys (e.g., school climate surveys) administered to students, parents and staff and community surveys for identifying HIB issues and the conditions contributing to HIB;
- Focus groups;
- Mailings (e.g., postal, e-mail);
- Cable access television;
- School culture change;
- School climate improvement;
- Adoption of evidence-based HIB prevention practices and programs;
- Training for all certificated and non-certificated staff;
- Professional development plans for involved staff;
- Participation of parents and other community members and organizations (e.g., parent-teacher organizations) in the educational program and in problem solving HIB issues;
- Formation of professional learning communities to address HIB problems;
- Small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student victims before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Targeted use of teacher aides;
- Disciplinary action for school staff who contributed to the problem, including dismissal;
- Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*;

- Parent conferences;
- Family counseling;
- Development of a general bullying response plan;
- Participation of the entire student body in problem-solving HIB issues;
- Recommendations of a student behavior or ethics council;
- Peer support groups;
- School transfers; and
- Involvement of law enforcement officers, including school resource officers and juvenile officers.

ATTACHMENT 7

Code of Student Conduct Review Checklist

Use this checklist to review district compliance with the requirements of N.J.A.C. 6A:16-7.1.

- (a) The code of student conduct (CSC) was adopted by the Board of Education on _____.
(N.J.A.C. 6A:16-7.1(a)1) _____ Date

1. The CSC is based on parent, student and community involvement. **Please list the representatives:**

Parent	
Student	
Community	

2. The CSC is based on locally determined *core ethical values* adopted by the board of education on _____.
(N.J.A.C. 6A:16-7.1(a)2) **Please list the representatives.**
_____ Date

Parent	
Student	
Community	

3. The board of education has established a process for annually reviewing and updating the CSC.
(Yes/No) _____ (N.J.A.C. 6A:16-7.1(a)3)

- i. The annual review includes parent, student and community involvement. The last formal review occurred on _____. **Please list the representatives.**

_____ Date

Parent	
--------	--

Student	
Community	

- ii. The review included an assessment of the following information: (Yes/No)
- All of the information from the annual CSA report on student conduct (see item #5) _____
 - Suspensions _____
 - Expulsions _____
 - Incidences reported on the Electronic Violence and Vandalism Reporting System (EVVRS) _____
 - Other (specify) _____

4. Annual dissemination of CSC to school community: (*N.J.A.C. 6A:16-7.1(a)4*)

	Dissemination Date	Dissemination Method (describe):
Staff		
Students		
Parents		

5. The annual chief school administrators (CSA) report to the board of education on the implementation of the district's CSC was presented at a public meeting on _____.
(*N.J.A.C. 6A:16-7.1(a)5*) *Date*

The report contained (**check appropriate box**):

	Yes	No
i. A numerical inventory of all violations of student behavioral expectations in the CSC		
ii. School responses to the violations of the student behavioral expectations.		
iii. Explanation and evidence of the effectiveness of the CSC in addressing, at a minimum:		
(1) the degree of effectiveness of the district's activities in achieving the purposes of the CSC.		

(2) the degree and effectiveness of implementation of the <i>contents</i> of the CSC.		
iv. Any proposed changes to district's policies, procedures, programs or initiatives based on the CSA's report.		

6. The CSA is required to submit an annual report on student conduct to N.J.D.O.E. Effective 11/27/07, guidance on this requirement is being developed and will be issued at a later date. (*N.J.A.C.* 6A:16-7.1(a)6)
7. The CSC is implemented in accordance with applicable plans for students with disabilities (Yes/No): _____ (*N.J.A.C.* 6A:16-7.1(a)6)

(b) Is the district's CSC designed to achieve the following mandated purposes (check appropriate box)? (*N.J.A.C.* 6A:16-7.1(b))

	Yes	No
1. Foster the health, safety and social and emotional well-being of students.		
2. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning.		
3. Promote achievement of high academic standards.		
4. Prevent the occurrence of problem behaviors.		
5. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification.		
6. Establish parameters for school responses to violations of the CSC that take into account, at least, severity of offenses, ages of student offenders and students' histories of inappropriate behaviors, in accordance with <i>N.J.A.C.</i> 6A:16-7.2 through 5 and 7.6.		

(c) The district CSC includes the following contents (check appropriate box): (*N.J.A.C.* 6A:16-7.1(c))

	Yes	No
1. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance, pursuant to <i>N.J.A.C.</i> 6A:32-8 and 13.1.		
2. A description of the behaviors that will result in suspensions or expulsions, pursuant to <i>N.J.S.A.</i> 18A:37-2.		

3. A description of the students' rights to:		
i. Advance notice of behaviors that will result in suspensions or expulsions, pursuant to <i>N.J.S.A.</i> 18A:37-2.		
ii. Education that supports students' development into productive citizens.		
iii. Attendance in safe and secure school environments.		
iv. Attendance at school irrespective of students' marriage, pregnancy or parenthood.		
v. Due process and appeal procedures and policies (<i>N.J.A.C.</i> 6A:3-1.3 through 1.17, <i>N.J.A.C.</i> 6A:4 and where applicable, <i>N.J.A.C.</i> 6A:14-2.7 and 2.8 and 7.2 through 7.6).		
vi. Parent notification consistent with the policies and procedures established pursuant to <i>N.J.A.C.</i> 6A:16-6.2(b)3, 7.2, 7.3 and 7.8.		
vii. Records and privacy protections pursuant to Federal and State laws and regulations identified at <i>N.J.A.C.</i> 6A:16-7.1(c)3vii.		
4. A description of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the district board of education, including:		
i. Positive reinforcement for good conduct and academic success.		
ii. Supportive interventions and referral services, including those at <i>N.J.A.C.</i> 6A:16-8.		
iii. Remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the students, and the student's histories of problem behaviors and performance.		
iv. For students with disabilities, the behavior interventions and supports pursuant to the requirements of <i>N.J.A.C.</i> 6A:14.		
5. A description of school responses to violations of the behavioral expectations that, at a minimum, are graded according to the severity of the offenses, the developmental ages of the student offenders and the students' histories of inappropriate behaviors that must:		
i. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions.		
ii. Be consistent with other responses, pursuant to <i>N.J.A.C.</i> 6A:16-5.5 (firearms offenses), 5.6 (assaults with weapons offenses), 5.7 (assaults on board of education members or employees).		

iii. Provide for the equitable application of the CSC without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic, pursuant to <i>N.J.S.A. 10:5</i> .		
iv. Be consistent with the law concerning corporal punishment of students (<i>N.J.S.A. 18A:6-1</i>).		
6. A policy and procedures about student attendance in accordance with <i>N.J.S.A. 18A:38-25</i> through 31 and <i>N.J.A.C. 6A:32-8</i> and 13.1 and 6A:16-7.8.		
7. A policy and procedures regarding intimidation, harassment and bullying in accordance with <i>N.J.S.A. 18A:37-13</i> et seq. and <i>N.J.A.C. 6A:16-7.9</i> .		
8. A current list of community-based health and social service provider agencies that are available to support a student and a student's family.		
9. A list of legal resources available to serve the community.		

Notes:

ATTACHMENT 8

Review of District Policies and Procedures on Harassment, Intimidation and Bullying

(N.J.S.A. 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9)

School District: _____
 County: _____
 Date HIB policy adopted: _____
 Number of pages to policy: _____
 Date review completed: _____
 Reviewer name: _____

Policy Requirement		
<i>1. The policy shall contain a statement prohibiting harassment, intimidation and bullying of a student. [N.J.S.A. 18A:37-15(3)(b)(1) and N.J.A.C. 6A:16-7.9(a)2i)]</i>		
Policy Components	Yes	No
a) Does the policy contain a statement prohibiting the following behaviors against a student:		
i. harassment?		
ii. intimidation?		
iii. bullying?		

Policy Requirement		
<i>2. The policy shall contain a definition of harassment, intimidation or bullying no less inclusive than that set forth in N.J.S.A. 18A:37-14(2). (N.J.S.A. 18A:37-15(3)(b)(2) and N.J.A.C. 6A:16-7.9(a) and (a)2ii)</i>		
Policy Components	Yes	No
a) Does the policy contain a definition of harassment, intimidation and bullying?		
b) Does the definition incorporate the following means of harassment, intimidation and bullying:		
i. gestures?		
ii. written acts?		
iii. verbal acts?		
iv. physical acts?		
v. electronic communications, which includes, at a minimum:		
1) telephone?		
2) cellular telephone?		
3) computer?		
4) pager?		

c) Does the definition of harassment, intimidation or bullying include a list of perceived or actual characteristics as motivating factors for acts of harassment, intimidation or bullying, that include:		
i. race?		
ii. color?		
iii. religion?		
iv. ancestry?		
v. national origin?		
vi. gender?		
vii. gender identity and expression?		
viii. sexual orientation?		
ix. a mental, physical or sensory disability?		
x. or by any other distinguishing characteristics?		
d) Does the definition or other portion of the policy identify the following locations as being applicable to the harassment, intimidation or bullying policy:		
i. school grounds (pursuant to the definition found in N.J.A.C. 6A:16-1.3)?		
ii. school-sponsored functions?		
iii. school buses?		
e) Does the definition of harassment, intimidation or bullying include the conditions that a reasonable person should know, under the circumstances, that the act will have the effect of the following:		
i. harming a student?		
ii. or damaging a student's property?		
iii. or placing a student in reasonable fear of harm to his person?		
iv. or placing a student in reasonable fear of damage to his property?		
v. or insulting any student or group of students in such a way to cause substantial disruption in or substantial interference with the orderly operation of the school?		
vi. or demeaning any student or group of students in such a way to cause substantial disruption in or substantial interference with the orderly operation of the school?		

Policy Requirement		
3. The policy shall include a description of the type of behavior expected from each student. (N.J.S.A. 18A:37-15(3)(b)(3) and N.J.A.C. 6A:16-7.9(a)2iii)		
Policy Component	Yes	No
a) Does the policy describe the types of expected student behaviors?		

Policy Requirement		
4. The policy shall include the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying. (N.J.S.A. 18A:37-15(3)(b)(4) and N.J.A.C. 6A:16-7.9(a)2iv, v and vi)		

<u>Policy Components</u>	Yes	No
a) Does the policy describe the consequences for a student who commits an act of harassment, intimidation or bullying?		
b) Does the policy stipulate that the consequences for a student who commits an act of harassment, intimidation or bullying shall be varied and graded based on the following:		
i. the nature of the behavior?		
ii. the developmental age of the student?		
iii. the student's history of problem behaviors and performance?		
c) Are the consequences for a student who commits an act of harassment, intimidation or bullying consistent with the provisions of N.J.A.C. 6A:16-7, Student Conduct?		
d) Does the policy describe appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying that takes into account the following:		
i. the nature of the behavior?		
ii. the developmental age of the student?		
iii. the student's history of problem behaviors and performance?		
e) Does the policy describe the consequences for a staff member who commits an act of harassment, intimidation or bullying?		
f) Does the policy describe appropriate remedial actions for a staff member who commits an act of harassment, intimidation or bullying?		

Policy Requirement		
<i>5. The policy shall include a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report. [N.J.S.A. 18A:37-15(3)(b)(5) and 16(4)(b) and N.J.A.C. 6A:16-7.9(a)2vii and viii(1)]</i>		
<u>Policy Components</u>	Yes	No
a) Does the policy establish a procedure for reporting an act of harassment, intimidation or bullying?		
b) Does the policy stipulate that the reports may include, but not be limited to:		
i. oral reports?		
ii. written reports?		
iii. electronic reports?		
c) Does the reporting procedure include a provision for anonymous reporting of an act of harassment, intimidation or bullying?		
d) Does the policy stipulate that formal disciplinary action cannot be based solely on an anonymous report?		

Policy Requirement		
<i>6. The policy shall include a procedure for prompt investigation of reports of</i>		

harassment, intimidation or bullying policy violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation. (N.J.S.A. 18A:37-15(3)(b)(6) and N.J.A.C. 6A:16-7.9(a)2viii)

Policy Components	Yes	No
a) Does the policy require the principal or the principal's designee to be responsible for investigating reports of violations and complaints?		
b) Does the policy require the investigations to be prompt?		

Policy Requirement

7. The policy shall contain the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. (N.J.S.A. 18A:37-15(3)(b)(7) and N.J.A.C. 6A:16-7.9(a)2ix)

Policy Components	Yes	No
a) Does the policy describe the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified?		
b) Does the range of responses to an incident include support for victims of harassment, intimidation or bullying?		
c) Does the range of responses include corrective actions for documented systemic problems related to harassment, intimidation or bullying?		

Policy Requirement

8. The policy shall contain a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation. (N.J.S.A. 18A:37-15(3)(b)(8) and 16(4)(a) and N.J.A.C. 6A:16-7.9(a)2x)

Policy Components	Yes	No
a) Does the policy contain a statement that prohibits reprisal or retaliation against a student, school employee, volunteer or visitor who reports an act of harassment, intimidation or bullying?		
b) Does the policy describe the consequences for a student, school employee, volunteer or visitor who engages in reprisal or retaliation against a student, school employee, volunteer or visitor who reports an act of harassment, intimidation or bullying?		
c) Does the policy describe the appropriate remedial actions for a student, school employee, volunteer or visitor who engages in reprisal or retaliation against a student, school employee, volunteer or visitor who reports an act of harassment, intimidation or bullying?		

Policy Requirement

9. The policy shall contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means

of harassment, intimidation or bullying. (N.J.S.A. 18A:37-15(3)(b)(9) and N.J.A.C. 6A:16-7.9(a)2xi)

<u>Policy Components</u>	Yes	No
a) Does the policy describe the consequences for a student, school employee, volunteer or visitor found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying?		
b) Does the policy describe appropriate remedial actions for a student, school employee, volunteer or visitor found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying?		

Policy Requirement

10. A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions. (N.J.S.A. 18A:37-15(3)(b)(10), N.J.S.A. 18A:37-15(3)(b)(11) and N.J.A.C. 6A:16-7.9(a)2xii)

<u>Policy Components</u>	Yes	No
Does the policy contain a statement of how it is to be publicized?		
b) Does the statement on how the policy is to be publicized specify that the policy applies to all school grounds, as the term “school grounds” is defined in N.J.A.C. 6A:16-1.3, including at school-sponsored functions and on school buses?		
c) Does the policy contain a requirement for the policy to be:		
i. posted on the district’s website?		
ii. distributed annually to parents and guardians?		

Policy Requirement

11. The code of student conduct adopted by the district board of education, pursuant to N.J.A.C. 6A:16-7.1, must include a policy and procedures regarding harassment, intimidation and bullying, in accordance with N.J.S.A. 18A:37-13 et seq., N.J.A.C. 6A:16-7.1(c)7 and N.J.A.C. 6A:16-7.9.

<u>Policy Component</u>	Yes	No
a) Is it apparent that the harassment, intimidation and bullying policies and procedures are a part of the code of student conduct?		

ATTACHMENT 9

--- Notice of Findings--- (from County Office to Chief School Administrator)

(INSERT DATE OF LETTER)

(INSERT NAME AND TITLE OF CHIEF SCHOOL ADMINISTRATOR OR CHARTER SCHOOL LEAD PERSON)

(INSERT NAME OF SCHOOL DISTRICT OR CHARTER SCHOOL)

(INSERT SCHOOL DISTRICT OR CHARTER SCHOOL MAILING ADDRESS AND ZIP CODE)

Subject: Investigation Findings and Determinations

Dear *(INSERT NAME OF CHIEF SCHOOL ADMINISTRATOR OR CHARTER SCHOOL LEAD PERSON)*:

This is to inform you that the investigation regarding *(INSERT SUBJECT/NAME OF COMPLAINT)* was completed by *(INSERT COUNTY OFFICE OF EDUCATION NAME)* on *(INSERT DATE)*. Provided below are explanations of the information reviewed, the determinations made based on the factual findings, and the directives or recommendations made by the *(INSERT COUNTY OFFICE OF EDUCATION NAME)* regarding the complaint. All student records and all other restricted educational records reviewed during this investigation are confidential.

Complaint

A description of the complaint is provided below:

- *(INSERT DESCRIPTION OF THE COMPLAINT, INCLUDING ANY ALLEGATIONS)*

Summary of Investigation

This section should include a summary of the actions taken by the investigators (e.g., interviews, records reviews) and their findings.

Determinations

The following determinations have been made based on the factual findings from the investigation:

- *(INSERT DETERMINATIONS, AS APPROPRIATE, TO RESPOND TO THE ALLEGATIONS, SUCH AS)*
 - *SCHOOL BOARD POLICIES AND PROCEDURES AND THE IMPLEMENTATION OF THE POLICIES AND PROCEDURES*
 - *THE RANGE OF RESPONSES TO THE COMPLAINT, INCLUDING CONSEQUENCES AND REMEDIAL ACTIONS FOR THE OFFENDER(S)*
 - *SUPPORT PROVIDED FOR THE VICTIM*
 - *SCHOOL AND DISTRICT HIB TRAINING, STUDENT HIB POLICY DISCUSSIONS WITH STUDENTS, AND SCHOOL AND DISTRICT HIB PROGRAMS*

- *OTHERS MADE REGARDING SCHOOL AND DISTRICT STAFF, THE COMPLAINANTS, AND THE ALLEGED OFFENDERS)*

Required and Recommended Responses

You are advised of the following required action(s) and recommendation(s) for resolving the complaint:

Required Actions

- *(IF AREAS OF COMPLIANCE ARE IDENTIFIED OR ISSUES ARE UNRESOLVED, INSERT ALL REQUIRED ACTIONS, WITH PROVISIONS FOR THE SUBMISSION OF STATUS UPDATES, AND FINAL COMPLETION DATES, WITH THE SUBMISSION OF DOCUMENTATION)*

Recommendations

- *(INSERT ALL RECOMMENDATIONS)*

Thank you for your cooperation in this matter. Should you have questions, please contact me at *(INSERT PHONE NUMBER AND EMAIL ADDRESS)*.

Sincerely,

(INSERT NAME OF EXECUTIVE COUNTY SUPERINTENDENT)

Executive County Superintendent

Enclosure

c: Commissioner of Education
Deputy Commissioner of Education
Chief of Staff
Assistant Commissioner, Division of Education System Efficiency
Assistant Commissioner, Division of Student Services
Director, Office of Student Support Services
(School Principal – Optional)
Complainant

ATTACHMENT 10

(UPDATED THROUGH P.L. 2010, ch. 64, and JR 2 of P.L.2010)

TITLE 18A EDUCATION

18A:37-13 Findings, declarations relative to adoption of harassment and bullying prevention policies.

18A:37-13 Findings, declarations relative to adoption of harassment and bullying prevention policies.

1. The Legislature finds and declares that: a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

L.2002,c.83,s.1.

18A:37-14 Definitions relative to adoption of harassment and bullying prevention policies.

2. As used in this act:

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

a. a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or

b. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

L.2002, c.83, s.2; amended 2007, c.129, s.1.

18A:37-15 Adoption of policy concerning intimidation or bullying by each school district.

3. a. Each school district shall adopt a policy prohibiting harassment, intimidation or

bullying on school property, at a school-sponsored function or on a school bus. The school district shall attempt to adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

b. A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:

- (1) a statement prohibiting harassment, intimidation or bullying of a student;
- (2) a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-14);
- (3) a description of the type of behavior expected from each student;
- (4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
- (5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;
- (6) a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;
- (7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified;
- (8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;
- (9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying;
- (10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions; and
- (11) a requirement that the policy be posted on the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate county superintendent of schools by September 1, 2003.

d. To assist school districts in developing policies for the prevention of harassment, intimidation or bullying, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

e. Notice of the school district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

L.2002, c.83, s.3; amended 2007, c.303, s.7.

18A:37-15.1 "Electronic communication" included in school districts' harassment and bullying prevention policy.

2. a. A school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15), shall be amended, if necessary, to reflect the provisions of P.L.2007, c.129 (C.18A:37-15.1 et al.). The district shall transmit a copy of the amended policy to the appropriate county superintendent of schools. Notice of the amended policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools within the school district, and in any student handbook.

b. In the event that a school district's policy on prohibiting harassment, intimidation or bullying adopted pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) does not accord with the provisions of subsection a. of this section by the 90th day following the effective date of this act, the district's existing policy prohibiting harassment, intimidation or bullying shall be deemed to include an "electronic communication" as defined in section 2 of P.L.2002, c.83 (C.18A:37-14) as amended by section 1 of P.L.2007, c.129.

L.2007, c.129, s.2.

18A:37-15.2 Actions required relative to bullying policy.

8. Within 60 days of the effective date of this section each school district shall amend its bullying policy in accordance with section 3 of P.L.2002, c.83 (C.18A:37-15) as amended by section 7 of P.L.2007, c.303, make the policy available on the district's website, and notify students and parents that the policy is available on the district's website.

L.2007, c.303, s.8.

18A:37-16 Reprisal, retaliation, false accusation prohibited.

4. a. A school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

b. A school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy.

c. A school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

L.2002,c.83,s.4.

18A:37-17 Establishment of bullying prevention programs.

5. a. Schools and school districts are encouraged to establish bullying prevention programs, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members.

b. To the extent funds are appropriated for these purposes, a school district shall: (1) provide training on the school district's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with students; and (2) develop a process for discussing the district's harassment, intimidation or bullying policy with students.

c. Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program.

L.2002,c.83,s.5.

18A:37-18 Other remedies unaffected.

6. This act shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal. This act does not create or alter any tort liability.

L.2002,c.83,s.6.

18A:37-19 Application by school district for reimbursement.

7. A school district that incurs additional costs due to the implementation of the provisions of this act shall apply to the Commissioner of Education for reimbursement.

L.2002,c.83,s.7.

N.J.A.C. 6A:16-7.9 Intimidation, harassment and bullying

- (a) Each district board of education shall develop, adopt and implement a policy prohibiting harassment, intimidation or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15.
1. Each district board of education shall develop the policy in consultation with parents and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees.
 2. A district board of education shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
 - i. A statement prohibiting harassment, intimidation or bullying of a student;
 - ii. A definition of harassment, intimidation or bullying no less inclusive than that set forth in the definition at N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3;
 - iii. A description of the type of behavior expected from each student;
 - iv. Appropriate remedial action for a student who commits an act of harassment, intimidation or bullying that takes into account the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance and that may include the following:
 - (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
 - (2) Supportive interventions and referral services, including those at N.J.A.C. 6A: 16-8;
 - v. Consequences for a student who commits an act of harassment, intimidation or bullying that is:
 - (1) Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance; and
 - (2) Consistent with the provisions of N.J.A.C. 6A:16-7, as appropriate;
 - vi. Appropriate consequences and remedial action for any staff member who commits an act of harassment, intimidation or bullying;
 - vii. A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report anonymously an act of harassment, intimidation or bullying;
 - (1) The district board of education shall not take formal disciplinary action based solely on the anonymous report;
 - viii. A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;
 - (1) Reports and complaints include, but are not limited to, oral reports, written reports or electronic reports;
 - ix. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified.
 - (1) The responses, at a minimum, shall include support for victims of harassment, intimidation or bullying and corrective actions for documented systemic problems related to harassment, intimidation or bullying;
 - x. A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.
 - (1) The statement shall include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;

- xi. Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and
- xii. A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions and on school buses.
 - (1) Notice of the district board of education's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of student conduct, pursuant to N.J.A.C. 6A:16-7.1, for schools within the school district.
- (b) A school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.
- (c) A school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the district board of education's policy, pursuant to N.J.S.A. 18A:37-15 and (a) above.
 - 1. A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official designated by the district board of education's policy, and who makes this report in compliance with the procedures set forth in the district board of education's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16(4)c.
- (d) The district board of education shall:
 - 1. Annually review the training needs of school district staff for the effective implementation of the harassment, intimidation and bullying policies, procedures, programs and initiatives of the district board of education and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the district board of education.
 - i. Information regarding the district board of education's policy against harassment, intimidation, or bullying shall be incorporated into the school district's employee training program;
 - 2. Develop a process for annually discussing the school district's harassment, intimidation or bullying policy with students; and
 - 3. Annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school buildings of the school district and implement locally determined programmatic or other responses, if determined appropriate by the district board of education.
 - i. The programs or other services shall be planned in consultation with parents, students and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students and school administrators, as appropriate.
- (e) These requirements are promulgated pursuant to N.J.S.A. 18A:37-13 through 18 and shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal.

N.J.A.C. 6A:16-7.1(c)7

The code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, must include:

"A policy and procedures regarding intimidation, harassment and bullying in accordance with N.J.S.A. 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9;"



MODEL POLICY AND GUIDANCE FOR
PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING
ON SCHOOL PROPERTY, AT SCHOOL-SPONSORED FUNCTIONS
AND ON SCHOOL BUSES
(Revised November 2008)

[Printable Version](#) (PDF )

INTRODUCTION

This document is designed to provide guidance to local district boards of education in the development, establishment and implementation of policies, procedures and programs for the prevention, intervention and remediation of harassment, intimidation and bullying behavior in schools. The document is divided into six discrete parts, as described below:

Part 1: Background includes information on the legal context and key points for harassment, intimidation and bullying policies and procedures.

Part 2: Guidance for Local Policy Development summarizes the basic requirements for the development of harassment, intimidation and bullying policies and procedures, the minimum components of the policies and procedures and the annual requirements for staff training and policy review.

Part 3: Use of the Model Policy and Guidance includes an explanation of this document and guidance for appropriate uses of the document.

Part 4: Model Policy Development: Issues for Consideration, Sample Policy Language and Requirements contains 10 specific sections, each providing statutory and regulatory requirements, sample or suggested model policy language, where appropriate, and issues for district boards of education to consider in the development of their locally determined harassment, intimidation and bullying policies and procedures.

Part 5: Implementation of Bullying Prevention Policies and Procedures includes specific requirements regarding the annual review of the extent and characteristics of harassment, intimidation and bullying in the school buildings of the districts and the implementation of programmatic or other responses to harassment, intimidation and bullying, the annual review of staff training needs and the implementation of staff training programs to address the training needs and the annual discussion of the harassment, intimidation and bullying policies and procedures with students.

Part 6: Resources on Harassment, Intimidation and Bullying lists books, programs and articles pertaining to harassment, intimidation and bullying.

PART 1 BACKGROUND

Legislation (*N.J.S.A. 18A:37-13 et seq.*) enacted on September 6, 2002 required each school district to adopt, by September 1, 2003, a policy prohibiting harassment, intimidation and bullying on school property*, at school-sponsored functions and on school buses. On August 3, 2005, the New Jersey State Board of Education adopted regulations on harassment, intimidation and bullying at *N.J.A.C. 6A:16-7.9*. Additionally, the authorizing statute was amended on August 6, 2007 to require the district's policy to address electronic communications, and was amended again on January 13, 2008 to mandate posting of the policy on the district's website and notifying students and parents** that the policy is available on the district's website.

To assist each district board of education in developing its harassment, intimidation and bullying policy, the original legislation required the Commissioner of Education to issue a model policy applicable to grades kindergarten through twelve (K-12), by December 1, 2002. This document includes a revision of the model policy originally published in November 2002, revised in April 2006 and revised again in April 2007, and includes appropriate references to statutes, regulations and emergent information on harassment, intimidation and bullying.

Under *N.J.S.A. 18A:37-15* and *N.J.A.C. 6A:16-7.9(a)2*, each district board of education is granted local control over the contents of the policy and ancillary procedures, but, at a minimum, the components listed in the authorizing statute and the regulations *must* be included in the school district's policy prohibiting harassment, intimidation and bullying. Some of the provisions of the authorizing statute and the regulations call for the district board of education to stipulate the consequences and appropriate *remedial actions* for the following instances: 1) persons who violate the policy; 2) persons who engage in reprisal or retaliation against someone who reports a violation of the policy; and 3) persons who falsely report allegations of harassment, intimidation or bullying as a means of retaliation or as a means of harassment, intimidation or bullying. Another provision that appears in the statute and the regulations requires the district board of education's policy to articulate the range of different measures school officials will take to respond to violations of the policy. It is important to note that the range of school responses to incidents of harassment, intimidation and bullying must include *support for victims* and *corrective actions* for documented *systemic problems* related to harassment, intimidation and bullying.

* Pursuant to *N.J.A.C. 6A:16-1.3*, the term "school property" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School property also includes other facilities as defined in *N.J.A.C. 6A:26-1.2*, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

** Pursuant to *N.J.A.C. 6A:16-1.3*, the term "parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

Additionally, district policy must conform to the case law and statutes, including *Saxe v State College Area School Dist.*, 240 F. 3d 200 (3d Cir. 2001); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); *L.W. v. Toms River Reg'l Schs. Bd. of Educ.*, SUPREME COURT OF NEW JERSEY, 189 N.J. 381; 915 A.2d 535; 2007 N.J. LEXIS 184, November 13, 2006, Argued, February 21, 2007, Decided; *N.J.S.A. 2C:33-4*, Harassment; *N.J.S.A. 10:5-1 et seq.*, Law Against Discrimination; *N.J.S.A. 18A:36-20*, Discrimination; prohibition; *N.J.S.A. 18A:38-5.1*, No child to be excluded from school because of race, etc. Additional resources are identified at the end of this document.

PART 2

GUIDANCE FOR LOCAL POLICY DEVELOPMENT

Policy Context

The New Jersey Department of Education (NJDOE) recognizes that decisions about consequences and actions to be taken in response to violations of policies prohibiting harassment, intimidation and bullying should take into consideration the unique circumstances of the acts and the persons involved, as well as the unique conditions and characteristics in each school district. Each district board of education's policy, however, must

comport with existing school district policies, including those that address the provisions of *N.J.A.C. 6A:16, Programs to Support Student Development*, in general, and *N.J.A.C. 6A:16-7.1, Code of student conduct*, in particular, as well as the provisions of the district's *Memorandum of Agreement Between Education and Law Enforcement Officials*, pursuant to *N.J.A.C. 6A:16-6, Law Enforcement Operations for Substances, Weapons, and Safety*.

Local Policy Development

The following descriptions of applicable regulations make it clear that ***the content and format of local policies and procedures must be developed locally***:

- Each district board of education must develop its ***harassment, intimidation and bullying policy in consultation with comprehensive representation from the school and community***, in accordance with *N.J.A.C. 6A:16-7.9(a)1*, and the policy must be consistent with the provisions of *N.J.A.C. 6A:16-7, Student Conduct*, as appropriate.
- Each district board of education's ***code of student conduct must include a policy and procedures regarding harassment, intimidation and bullying, and must be based on parent, student and community involvement which represents the composition of the schools and communities***, pursuant to *N.J.A.C. 6A:16-7.1(a)1*.
- The code of student conduct, which must include the harassment, intimidation and bullying policy, ***must be based on locally determined and accepted core ethical values adopted by the district board of education***, pursuant to *N.J.A.C. 6A:16-7.1(a)2*.
- The code of student conduct, which must include the harassment, intimidation and bullying policy, ***must be reviewed annually and updated***, as appropriate, pursuant to *N.J.A.C. 6A:16-7.1(a)3*.
- The district board of education ***must annually review*** the content and characteristics of harassment, intimidation and bullying behavior in the school buildings of the district and implement locally determined programmatic or other response, which could include policy revisions), pursuant to *N.J.A.C. 6A:16-7.9(d)3*. The programs or other services ***must be planned in consultation*** with parents, students and other community members, pursuant to *N.J.A.C. 6A:16-7.9(d)3i*.

Requirements for Policy Contents

Each district board of education has local control over the content of the harassment, intimidation and bullying policy, except that the policy ***must contain, at a minimum, the following components***:

- A statement prohibiting harassment, intimidation or bullying of a student;
- A definition of harassment, intimidation or bullying no less inclusive than that set forth in the definition at *N.J.S.A. 18A:37-14* and *N.J.A.C. 6A:16-1.3*;
- A description of the type of behavior expected from each student;
- Appropriate remedial action for a student who commits an act of harassment, intimidation or bullying that takes into account the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance and that may include the following:
 - A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
 - Supportive interventions and referral services, including those at *N.J.A.C. 6A: 16-8*;
- Consequences for a student who commits an act of harassment, intimidation or bullying that is:
 - Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance; and
 - Consistent with the provisions of *N.J.A.C. 6A:16-7*, as appropriate;
- Appropriate consequences and remedial action for any staff member who commits an act of harassment, intimidation or bullying;
- A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report anonymously an act of harassment, intimidation or bullying;
 - The district board of education is not permitted to take formal disciplinary action based solely on the anonymous report;
- A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;

- Reports and complaints include, but are not limited to, oral reports, written reports or electronic reports;
- The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified.
 - The responses, at a minimum, must include support for victims of harassment, intimidation or bullying and corrective actions for documented systemic problems related to harassment, intimidation or bullying;
- A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.
 - The statement must include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;
- Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and
- A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions and on school buses.
 - Notice of the district board of education's policy must appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*, for schools within the school district
- A statement that the policy must be posted on the school district's website and distributed annually to parents and guardians who have children enrolled in the school district. *N.J.S.A. 18A:37-15(3)(b)(11)*

Other Requirements

While the requirements cited above must be included in the locally developed policy, additional school district requirements regarding harassment, intimidation and bullying are described below:

- The policy must be made available on the school district's **website**. *N.J.S.A. 18A:37-15.2(8)*;
- The school district must **notify students and parents** that the policy is available on the school district's **website**. *N.J.S.A. 18A:37-15.2(8)*;
- The chief school administrator must ensure that **notice of the district's policy will appear in any publication** of the school district that sets forth the comprehensive rules, procedures and standards for schools within the school district, and in any student handbook. *N.J.S.A. 18A:37-15.1(2)(a)* and *N.J.A.C. 6A:16-7.9(a)2xii*; and
- The policy must be **transmitted** to the appropriate **county superintendent** of schools. *N.J.S.A. 18A:37-15.1(2)(a)*.
- Information regarding the district's policy against harassment, intimidation and bullying must be incorporated into a school's **employee training program**. *N.J.S.A.: 37-17(5)(c)* and *N.J.A.C. 6A:16-7.9(d)1i*
- The district is required to **annually review the extent and characteristics** of harassment, intimidation and bullying behavior in the school buildings of the school district and **implement locally determined programmatic or other responses**, if determined appropriate by the district board of education. *N.J.A.C. 6A:16-7.9(d)3*
- The school district is required to **annually review the training needs** of district staff for the effective implementation of the harassment, intimidation and bullying policy, procedures, programs and initiatives of the district board of education and **implement locally determined staff training programs** consistent with the annual review of training needs and the findings of the annual review and update of the code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1(a)3*, as determined appropriate by the district board of education. *N.J.A.C. 6A:16-7.9(d)1*
- The school district is required to develop a process for **annually discussing the school district's harassment, intimidation and bullying policy with students**. *N.J.A.C. 6A:16-7.9(d)2*

PART 3 USE OF THE MODEL POLICY AND GUIDANCE

Careful consideration of all issues must inform the final policy of the school district. For the reasons explained above and below, the model policy language in this document provides only general points for the district board of education's policy, rather than all-inclusive policy language that addresses local values, issues and priorities. As a result of these local consultation requirements and the impracticality of anticipating the divergent and changing values, needs, priorities and practices of each school district in New Jersey, this document is presented as a summary guide and model, and is not a complete and final policy to be adopted by the district board of education.

Nothing in the model policy language or in the legislation and regulations is meant to preclude a school district from including additional provisions, or from using language and formats that are consistent with the district board of education's approved policies and procedures. ***Additionally, the district board of education is advised that, pursuant to N.J.A.C. 6A:16-7.1(c), it is required to integrate the harassment, intimidation and bullying policy and procedures into its code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, rather than create a separate policy for harassment, intimidation and bullying behaviors.***

The information provided in sections 1-10 of Part 4 includes an explanation of the following:

- The statutory and regulatory provisions that district policies and procedures must include;
- Suggested or sample model policy language, where appropriate; and
- Issues for the district to consider in developing policies and procedures that fit its own unique situation and that are consistent with existing district board of education policies.

Part 5 contains information on additional requirements and issues for consideration regarding the establishment of bullying prevention programs, but does not include model policy language since these provisions are not required elements for harassment, intimidation and bullying policies.

Part 6 contains information on resources regarding harassment, intimidation and bullying.

PART 4 MODEL POLICY DEVELOPMENT: ISSUES FOR CONSIDERATION, SAMPLE POLICY LANGUAGE AND REQUIREMENTS

Section 1

Statutory and Regulatory Requirements: *The policy shall contain a statement prohibiting harassment, intimidation or bullying of a student. N.J.S.A. 18A:37-15(3)(b)(1) and N.J.A.C. 6A:16-7.9(a)2i*

Sample Model Policy Language

The district board of education prohibits acts of harassment, intimidation or bullying of a student. The district board of education has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying.

Issues for Consideration in Local Policy Development

Although not required, a statement of purpose is helpful to clearly establish the goal of the policy. The district board of education may consider parallel expectations against harassment, intimidation and bullying to include employees, visitors and volunteers; however, care should be taken to ensure that policies for these groups are consistent with the case law, Federal and State

laws, regulations and policies, including, but not limited to, those against hazing, bias crimes and assaults, as well as the district's board-approved policies, procedures and agreements.

Section 2

Statutory and Regulatory Requirements: *The policy shall contain a definition of harassment, intimidation or bullying no less inclusive than:*

"Harassment, intimidation or bullying" means any gesture or written, verbal or physical act, or any electronic communication* that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- a) a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or***
- b) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school. N.J.S.A. 18A:37-14, N.J.S.A. 18A:37-15(3)(b)(2), N.J.S.A. 18A:37-15.1(2)(b) and N.J.A.C. 6A:16-7.9(a)2ii.***

Sample Model Policy Language

The district board of education establishes that "harassment, intimidation or bullying" means any gesture or written, verbal or physical act, or any use of electronic communication (N.J.S.A. 18A:37-15.1) that takes place on school property, or at any school-sponsored function, on a school bus and that:*

- a) is motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or,*
- b) by any other distinguishing characteristic; and*
- c) a reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or*
- d) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.*

Issues for Consideration in Local Policy Development

The district board of education should make clear that the policy includes the motivating factors set forth in the authorizing statute (N.J.S.A. 18A:37-14). Not all acts of bullying against students, however, are motivated by characteristics such as the target's race, color, religion, gender or sexual orientation. Some acts of bullying are simply one child exercising power and control over another either in isolated incidents (e.g., intimidation, harassment) or as patterns of harassing or to intimidating behavior (e.g., bullying). If the district board of education chooses to consider acts of bullying not motivated by the factors identified in the authorizing statute, they should take care to ensure that any expansion of the motivating factors should be consistent with the case law, Federal and State statutes, regulations and policies and the district board of education's approved policies, procedures and agreements.

The policy and procedures may address and impose consequences for acts of harassment, intimidation or bullying that occur off school grounds, such as "cyber-bullying" (e.g., the use of electronic or wireless devices to harass, intimidate or bully), to the extent that the policy comports with the provisions of N.J.A.C. 6A:16-7.6, Conduct away from school grounds, and the district board of education's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1. In all instances of harassment, intimidation or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for the offending

student's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.9, Intimidation, harassment and bullying, whether the subject or recipient of the bullying is on or off school property.

* "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

Section 3

Statutory and Regulatory Requirements: *The policy shall include a description of the type of behavior expected from each student. N.J.S.A. 18A:37-15(3)(b)(3) and N.J.A.C. 6A:16-7.9(a)2iii*

Sample Model Policy Language

The district board of education expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment, consistent with the code of student conduct.

The district board of education believes that standards for student behavior must be set cooperatively through interaction among the students, parents, staff and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

The district board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use instances of violations of the code of student conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

Issues for Consideration in Local Policy Development

The goal of this section is to explain global expectations for student conduct while providing school administrators with the flexibility to address developmental ages and abilities of students and the unique characteristics of the schools, as is intended in N.J.A.C. 6A:16-7.1(b)6. Per the provisions of the authorizing statute, the procedures should be included as a part of the district board of education's approved policy, which must be a part of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(c)7.

Pursuant to N.J.A.C. 6A:16-7.1(a)1 and 7.9(a)1, the district *must* involve a broad-base of school and community members, including parents, students, instructional staff, student support services staff, school administrators and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of the policy. Based on the locally determined and accepted core ethical values adopted by the district board of education, pursuant to N.J.A.C. 6A:16-7.1(a)2, the district board of education must develop guidelines for student conduct, pursuant to N.J.A.C. 6A:16-7.1, taking into consideration the developmental ages of students, the severity of offenses and students' histories of inappropriate behaviors, and the mission and physical facilities of the individual schools. Board policy must require all students in the district to adhere

to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to *N.J.A.C. 6A:16-7.1*, the chief school administrator must annually provide to students and their parents the rules of the district regarding student conduct. Pursuant to *N.J.A.C. 6A:16-7.9(a)1xii(1)*, the policy must appear in all publications of the school district's comprehensive rules, procedures and standards of student conduct for the schools within the school district, including the student handbook and must be posted on the district's website. Provisions should be made for informing parents whose primary language is other than English.

Pursuant to *N.J.A.C. 6A:16-7* and *7.9*, the policy should:

- A) Describe student responsibilities, including the requirements for students to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority;
- B) Address appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success;
- C) Explain student rights; and
- D) Identify sanctions and due process for violations of the code of student conduct.

Since bystander support of harassment, intimidation or bullying can reinforce these behaviors, district boards of education should consider including a statement prohibiting active or passive support for acts of harassment, intimidation or bullying. The district should encourage students to support students who:

- Walk away from these acts of harassment, intimidation or bullying when they see them;
- Constructively attempt to stop acts of harassment, intimidation or bullying; and
- Report acts of harassment, intimidation or bullying to the designated school staff.

The district might consider adopting a policy prohibiting harassment, intimidation and bullying of school employees, visitors or volunteers as a safety measure and to foster a climate of civility and respect among all members of and participants in the educational community.

Section 4

Statutory and Regulatory Requirements: *The policy shall include the consequences and appropriate remedial actions for a person who commits an act of harassment, intimidation or bullying. N.J.S.A. 18A:37-15(3)(b)(4), N.J.A.C. 6A:16-7.9(a)2iv and N.J.A.C. 6A:16-7.9(a)2vi*

Sample Model Policy Language

The district board of education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct.

Factors for Determining Consequences

- Age, developmental and maturity levels of the parties involved;
- Degrees of harm;
- Surrounding circumstances;

- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

Environmental

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation.

Examples of Consequences and Remedial Measures

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from *positive* behavioral interventions up to and including suspension or expulsion of students, as set forth in the board of education's approved code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*. *Consequences* for a student who commits an act of harassment, intimidation or bullying shall be *varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance*, and must be consistent with the district board of education's approved code of student conduct and *N.J.A.C. 6A:16-7*, Student Conduct. Remedial measures shall be designed to *correct the problem behavior, prevent another occurrence* of the problem; *protect and provide support for the victim* of the act; and *take corrective action for documented systemic problems* related to harassment, intimidation or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- After-school programs;

- Out-of-school suspension (short-term or long-term);
- Legal action; and
- Expulsion.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Mediation;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school “disciplinarian;”
- Student counseling;
- Parent conferences;
- Student treatment; or
- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- School culture change;
- School climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Recommendations of a student behavior or ethics council;
- Peer support groups;
- School transfers; and
- Law enforcement (e.g., school resource office, juvenile officer) involvement.

Issues for Consideration in Local Policy Development

Since *N.J.S.A. 18A:37-15(3)(b)(4)* and *N.J.A.C. 6A:16-7.9(a)2iv* clearly establish that the responses to a

person who commits an act of harassment, intimidation or bullying must include *both consequences and appropriate remedial actions*, school officials are responsible for taking all appropriate steps to understand and rectify the problem, which by law involves *more than traditional punitive actions*. It is important to note that *N.J.A.C. 6A:16-7.9(a)2vi* also requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation and bullying.

- *Consequences* – In regard to *consequences*, only after meaningful consideration of the factors for determining consequences, described above, can an appropriate consequence be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district policies, procedures and collective bargaining agreements.
- *Remediation* – In regard to *remediation*, only after meaningful consideration of the factors for determining remedial measures can an appropriate remedial response be determined, consistent with the documented needs of the student or staff member and the unique characteristics of the situation.

The overall school *climate* and school *culture* and the individual and institutional factors that contribute to climate and culture might overtly or inadvertently support harassment, intimidation or bullying behavior. These factors *always* should be considered in the response to an act of harassment, intimidation or bullying. Additionally, in *all* cases the district should attempt to *actively involve parents* in the remediation of the behavior(s) of concern. It is only after meaningful consideration of the factors and examples described above that appropriate consequences and remedial responses can be determined, consistent with the documented needs of the student or staff member, the unique characteristics of the student's or staff member's situation and the requirements under *N.J.S.A. 18A:37-13 et seq.* and *N.J.A.C. 6A:16-7.9*.

Section 5

Statutory and Regulatory Requirements: *The policy shall include a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report. N.J.S.A. 18A:37-15(3)(b)(5) and N.J.A.C. 6A:16-7.9(a)2vii*

Sample Model Policy Language

The district board of education requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees as well as all other members of the school community, including students, parents, volunteers and visitors, are required to report alleged violations of this policy to the principal or the principal's designee. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each building or available at the school district's central office, or the reporting party may use the district's web-based reporting system. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal action for violations of the code of student conduct may not be based solely on the basis of an anonymous report.

Issues for Consideration in Local Policy Development

The goal of a reporting procedure is to facilitate the reporting of alleged violations of this policy by making the reporting process simple and non-threatening. The district should consider every mechanism available to simplify reporting, including web-based reporting mechanisms and locked boxes located in areas of the school where reports can be submitted without fear of being observed.

Section 6

Statutory and Regulatory Requirements: *The policy shall include a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation. N.J.S.A. 18A:37-15(3)(b)(6) and N.J.A.C. 6A:16-7.9(a)2viii*

Sample Model Policy Language

The district board of education requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of each alleged incident.

Issues for Consideration in Local Policy Development

The school district is encouraged to use existing policies and procedures, including those used to investigate allegations of violations of the district board of education's codes of student conduct, pursuant to N.J.A.C. 6A:16-7.1, as appropriate. The school district also is encouraged to establish record keeping policies and procedures that create a defensible record which demonstrates the district's efforts to remediate and reduce incidents of harassment, intimidation and bullying, and that facilitate the evaluation of the district's efforts to reduce incidents of harassment, intimidation and bullying.

Section 7

Statutory and Regulatory Requirements: *The policy shall contain the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. N.J.S.A. 18A:37-15(3)(b)(7) and N.J.A.C. 6A:16-7.9(a)2ix*

Sample Model Policy Language

The district board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including school resource officers.

Issues for Consideration in Local Policy Development

For every incident of harassment, intimidation or bullying, the district *must* respond appropriately to the individual who committed the act. The district is encouraged to set the range of responses, including individual, classroom, school or district responses to student offenders, as appropriate, such as the following:

- *Individual responses* can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion).
- *Classroom responses* can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and

discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management.

- *School responses* can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices.
- *District-wide responses* can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based).

Pursuant to N.J.A.C. 6A:16-7.9(a)ix(1), the district is obligated to provide support for victims of harassment, intimidation or bullying. Districts should identify a range of strategies and resources (e.g., counseling, teacher aides, hallway and playground monitors, mediators, schedule changes, school transfers, before- and after-school and/or school transportation supervision, therapy) that will be available to individual victims of harassment, intimidation and bullying and should respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. Social skills training provided for all students is an example of a school or a school district-wide response for addressing victimization.

The school district is reminded that the required *Memorandum of Agreement Between Education and Law Enforcement Officials* (N.J.A.C. 6A:16-6.2(b)13) defines the conditions under which school officials are required to report suspected hate crimes or bias-related acts to law enforcement authorities. Since some acts of harassment, intimidation or bullying may be bias-related acts and potentially hate or bias crimes, school officials *must report* to law enforcement officials either serious acts or those which may be part of a larger pattern. Additionally, all incidents of harassment, intimidation and bullying, including related offender and victim information, must be reported over the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

Section 8

Statutory and Regulatory Requirements: *The policy shall contain a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation. N.J.S.A. 18A:37-15(3)(b)(8) and N.J.A.C. 6A:16-7.9(a)2x*

Sample Model Policy Language

The district board of education prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

Issues for Consideration in Local Policy Development

Acts of reprisal or retaliation can have a chilling effect on a school environment, and can create an atmosphere where alleged violations of this policy are not reported. It is important to establish and maintain the norm that all suspected acts of reprisal or retaliation are taken seriously and appropriate responses are made in accordance with the totality of the circumstances. Inconsistent applications of appropriate responses to acts of reprisal or retaliation can contribute to the culture of violence that this policy is intended to prevent.

Section 9

Statutory and Regulatory Requirements: *The policy shall contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment, intimidation or bullying. N.J.S.A. 18A:37-15(3)(b)(9) and N.J.A.C. 6A:16-7.9(a)2xi*

Sample Model Policy Language

The district board of education prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

- *Students – The consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7., Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.*
- *School Employees – Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and agreements.*
- *Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.*

Issues for Consideration in Local Policy Development

The school district is encouraged to consider the totality of the circumstances surrounding individuals who falsely accuse others as a means of harassment, intimidation or bullying. Decisions about consequences and appropriate remedial actions should be consistent with existing case law, Federal and State statutes and regulations and district policies and procedures.

Section 10

Statutory and Regulatory Requirements: *The policy shall contain a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions. N.J.S.A. 18A:37-15(3)(b)(10) and N.J.A.C. 6A:16-7.9(a)2xii*

The policy shall contain a statement that the policy must be posted on the school district's website and distributed annually to parents and guardians who have children enrolled in the school district. N.J.S.A. 18A:37-15(3)(b)(11)

The policy shall be made available on the school district's website. N.J.S.A. 18A:37-15.2(8)

The school district shall notify students and parents that the policy is available on the school district's website. N.J.S.A. 18A:37-15.2(8)

The chief school administrator shall ensure that notice of the district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards for schools within the school district, and in any student handbook. N.J.S.A. 18A:37-15.1(2)(a) and N.J.A.C. 6A:16-7.9(a)2xii

The policy shall be transmitted to the appropriate county superintendent of schools. N.J.S.A. 18A:37-15.1(2)(a)

Sample Model Policy Language

The district board of education requires school officials to annually disseminate the policy to all school staff, students and parents, along with a statement explaining that it applies to all

applicable acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on a school bus. The chief school administrator shall post the policy on the school district's website as well as annually notify students and parents that the policy is available on the district's website. The chief school administrator shall develop and implement a process for annually discussing the school district policy on harassment, intimidation and bullying with students.

Issues for Consideration in Local Policy Development

The goal of this policy is to foster a safe and disciplined environment that is conducive to learning, where individuals treat one another with civility and respect. To accomplish this goal, the policy must be widely disseminated to inform everyone in the school and community of its provisions. ***Districts are required to post the policy on the district's website, notify students and parents the policy is on the website and include notice of the policy in the district's publications on student conduct.*** Additionally, a range of options are available to school districts for publicizing the policy, including posting the policy in public buildings or in publications (e.g., newsletters, newspapers, list serves, e-mail), utilization of audio-visual media (e.g., public cable access, radio, public television), mailing copies, requiring all employees, students and parents to sign a written statement indicating that they have received and read the policy and agree to abide by the provisions of the policy and reviewing the policy at public meetings. While multiple methods for publicizing the policy can increase the chances of public awareness, support and compliance, the school district is encouraged to use the strategies that fit its unique situation.

PART 5 IMPLEMENTATION OF BULLYING PREVENTION POLICIES AND PROCEDURES

Statutory and Regulatory Provisions: *Information regarding the district's policy against harassment, intimidation and bullying must be incorporated into a school's employee training program. N.J.S.A.: 37-17(5)(c) and N.J.A.C. 6A:16-7.9(d)1i*

The district is required to annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school buildings of the school district and implement locally determined programmatic or other responses, if determined appropriate by the district board of education. N.J.A.C. 6A:16-7.9(d)3

The school district is required to annually review the training needs of district staff for the effective implementation of the harassment, intimidation and bullying policy, procedures, programs and initiatives of the district board of education and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the district board of education. N.J.A.C. 6A:16-7.9(d)1

The school district is required to develop a process for annually discussing the school district's harassment, intimidation and bullying policy with students. N.J.A.C. 6A:16-7.9(d)2

Issues for Consideration

Once school district officials have clearly articulated the preferred behaviors for all students in grades K-12, staff members should be trained in skills and strategies for developing student self-discipline and to apply best practices for *positive* behavioral interventions. It is particularly important to use the policy as an opportunity for preparing staff to effectively *intervene* with instances of harassment, intimidation and bullying, as well as use the policy as a *prevention tool* by explaining to students the school district's expectations for their behavior and teaching skills and providing sufficient support for students to fulfill the behavioral expectations,

consistent with the provisions of the district board of education's code of student conduct, including harassment, intimidation and bullying, and *N.J.A.C. 6A:16-7.1*, Code of student conduct. For students to demonstrate preferred behaviors, it is important that they have a clear understanding of the school district's expectations under the policy, the reasons for and benefits of the policy, the consequences for violations of the policy, as well as have opportunities to learn preferred behaviors, both before and after the advent of conduct problems.

It is through explanation, dialogue and skill building among students and staff that the school district can clearly distinguish, for example, "friendly teasing" and "rough and tumble play" from harassment, intimidation and bullying. It also is through discussion that the school district can help students and staff discern between "telling" or responsible "reporting" (which is intended to keep someone from getting hurt) of acts of harassment, intimidation and bullying from "ratting" or "tattling." The school district is encouraged to use experiential learning techniques, such as role play situations and other demonstration and modeling strategies in its information activities for students and staff designed to *prevent* and *remediate* problem behaviors.

PART 6

RESOURCES ON HARASSMENT, INTIMIDATION AND BULLYING

Books and Programs

A Guide to Effective Statewide Laws/Policies: Preventing Discrimination Against LGBT Students in K-12. GLSEN and Lambda Legal Defense and Education Fund. 2001.

A School-Based Anti-violence Program. Sudermann, M., Jaffe, P., Schiek, E. *et al.* (1996). London, ON: London Family Court Clinic.

Blueprint for Violence Prevention – Book 9, Bullying Prevention Program. United States Department of Justice, Office of Justice Programs, Juvenile Justice Delinquency Prevention.

Bullying at School: What We Know and What We Can Do. Olweus, D. 1993. Cambridge, MA: Blackwell.

Bullying Behavior: Current Issues, Research and Interventions. Geffner, R.A., Loring, M. and Young, C. (Eds.) 2001. Haworth Press, New York.

Bully proof: A Teachers Guide to Teasing and Bullying for Use with Fourth and Fifth Grade Students. Sjoström, Lisa, & Stein, Nan. (1996). Boston, MA: Wellesley College Center for Research on Women and the NEA Professional Library.

Keys to Dealing With Bullies (Barron's Parenting Keys). Barry Edwards McNamara, Francine McNamara (Contributor). Keys Hauppauge, N.Y. : Barron's Educational Series, 1997.

Protecting Students from Harassment and Hate Crime: A Guide for Schools. United States Department of Education. 1999.

School Bullying: Insights and Perspectives. Smith, P. K., & Sharp, S. (1994). London: Routledge.

The Bullying Prevention Handbook: A Guide for Principals, Teachers and Counselors. Hoover, J.H. and Oliver, R. 1996. National Educational Service, Bloomington, IN.

Articles

Ahmad, Y., & Smith, P. K. (1994). Bullying in schools and the issue of sex differences. In John

Archer (Ed.), *Male violence*. London: Routledge.

Batsche, G. M., & Knoff, H. M. (1994). Bullies and their victims: Understanding a pervasive problem in the schools. *School Psychology Review*, 23(2), 165-174.

Charach, A., Pepler, D., & Ziegler, S. (1995). Bullying at school--a Canadian perspective: A survey of problems and suggestions for intervention. *Education Canada*, 35(1), 12-18.

Loeber, R. and Dishion, T. (1983). Early Predictors of Male Delinquency: A Review. *Psychological Bulletin*, 94, 69-99.

McCoy, E. What to Do... When Kids Are Mean to Your Child (What to Do Parenting Guides, Vol. 1). Pleasantville, N.Y. : Reader's Digest, c1997. 96 p. : col. ill. ; 21 cm.

Nolin, M. J., Davies, E., & Chandler, K. (1995). *Student victimization at school*. National Center for Education Statistics/4Statistics in Brief (NCES 95-204).

Olweus, D. (1993b). Victimization by Peers: Antecedents and Long-term Consequences. In K.H. Rubin and J.B. Asendorf (eds.), *Social Withdrawal, Inhibition and Shyness in Childhood*. Hillsdale NJ: Erlbaum.

Patterson, G.R., DeBaryshe, B.D. and Ramsey, E. (1989). A Developmental Perspective on Antisocial Behaviour. *American Psychologist*, 44, 329-35.

Whitney, I., & Smith, P. K. (1993). A survey of the nature and extent of bullying in junior/middle and secondary schools. *Educational Research*, 35(1), 3-25.

Questions for Administrators

Regarding Harassment Intimidation and Bullying (HIB) Policies and Practices

General

- Are you aware of the harmful effects of HIB, particularly when adults are not *perceived* as protecting students? Examples of harmful effects include:
 - *Behavioral effects* – absenteeism, violence, retaliation, bullying, suicide.
 - *Physical effects* – headaches, dizziness, stomachaches, inability to concentrate.
 - *Emotional effects* – anxiety, powerlessness, low-self-esteem, depression.

HIB Policies and Procedures

- Are the board of education's HIB policies and procedures consistent with *N.J.S.A. 18A:37-13 et seq.* and *N.J.A.C. 6A:16-7.9*, and do they take into consideration the information in the New Jersey Department of Education's ***Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses*** (<http://www.state.nj.us/education/parents/bully.htm>)?
- Were the HIB policies and procedures developed in consultation with school employees, parents and other community members, including appropriate community based social and health service providers and law enforcement officials?
- Have the HIB policies and procedures been updated to address the amendments to the HIB statute (*N.J.S.A. 18A:37-13 et seq.*) made in August 2007 and January 2008? These amendments require:
1) The inclusion of electronic communications in the definition of HIB; 2) the HIB policy to be posted on the district's Web site and notification to be given to parents that the policy is available on the Web site; and 3) the submission of a copy of the HIB policy to the executive county superintendent.
- Is the HIB policy included in or is it consistent with the code of student conduct, and is it included in the student handbook?
- Does the procedure for reporting an act of HIB include anonymous reporting?
- Are you aware of the relationship between the HIB policy and the Victims of Violent Criminal Offenses provision in the federally mandated Unsafe School Choice Option policy (<http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>) that requires in-district school transfers for victims of violent criminal offenses, which includes victims of bias intimidation, pursuant to *N.J.S.A. 2C:16-1(a)*, and sexual assault, pursuant to *N.J.S.A. 2C:14-2*?

HIB Practices

Intervention

- Are the following actions taken, at a minimum, for each reported HIB incident?
 - *Investigation* - Prompt investigation of each HIB report by the principal or the principal's designee.
 - *Victim Support* - Support for each victim of HIB to ensure the student's safety.
 - *Remediation* - Remedial action for each student who commits an act of HIB and that are –
 - Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.
 - *Consequences* - Consequences for the student who commits an act of HIB that are –

- Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.
- Is each reported HIB incident included on the Electronic Violence and Vandalism Reporting System (EVVRS)?
- Are corrective actions taken for documented systemic problems related to HIB?

Prevention

- Is the HIB policy annually *discussed* with students?
- Does the HIB policy appear on the school district's Web site, and is it readily accessible?
- Are school staff training needs for the effective implementation of the HIB policy annually reviewed, and are staff training programs implemented consistent with the findings from the annual review?
- Is there an annual review of the extent and characteristics of HIB in each school building, and are programmatic or other responses implemented, consistent with the findings from the annual review?
 - Are the programs or other services planned in consultation with school employees and volunteers, parents, students and other community members, including appropriate community based social and health service providers and law enforcement officials?

Questions for School Staff
Regarding Harassment Intimidation and Bullying (HIB) Policies and Practices

HIB Policies and Procedures

- Have you received a copy of the district board of education's HIB policy?
- Do you understand your role in applying the legal definition of HIB in New Jersey? The definition for HIB follows:

“Harassment, intimidation or bullying” means any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property or placing a student in reasonable fear of harm to his or her person or damage to his or her property; or has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.
- Have you received training in your responsibilities for the effective implementation of the district board of education's HIB policy?
- Are you aware of the district's procedures for reporting acts of HIB?
- Are you aware of strategies for supporting victims of HIB?
- Are you aware of the harmful effects of HIB particularly when adults are not perceived as protecting children? Examples of harmful effects include:
 - *Behavioral effects* – absenteeism, violence, retaliation, bullying, suicide.
 - *Physical effects* – headaches, dizziness, stomachaches, inability to concentrate.
 - *Emotional effects* – anxiety, powerlessness, low-self-esteem, depression.

Questions for Parents
Regarding Harassment Intimidation and Bullying (HIB) Policies and Practices

- Are you aware that the district is required to annually provide you with a copy of the HIB policy, which could be included in the code of student conduct?
- Do you know that the HIB policy must be posted on the school district's Web site, and that the district must inform you that the policy is available on the Web site?
- Are you aware of the district's procedure for reporting (including anonymous reporting) an HIB incident?
- Are you aware that school district officials are required to take the following actions, at a minimum, for each reported HIB incident?
 - *Investigation* - Conduct a prompt investigation of each HIB report.
 - *Victim Support* - Provide support for each victim of HIB to ensure their safety.
 - *Remediation* - Take remedial actions for each student who commits an act of HIB and that are –
 - Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.
 - *Consequences* - Enforce consequences for the student who commits an act of HIB that are –
 - Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.
- Are you aware of the following resources regarding HIB?
 - The HIB statute (N.J.S.A. 18A:37-13 et seq.), which can be found at http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=22014257&depth=2&expandheadings=off&headingswithhits=on&info=statutes.nfo&softpage=TOC_Frame_Pg42;
 - The New Jersey Department of Education's (NJDOE) HIB regulations (N.J.A.C. 6A:16-7.9), which can be found at <http://www.state.nj.us/education/code/current/title6a/chap16.pdf>;
 - The NJDOE's *Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses, which can be found at <http://www.state.nj.us/education/parents/bully.htm>*; and
 - The NJDOE's Unsafe School Choice Option Policy (Provision II, Victims of Violent Criminal Offenses), which can be found at <http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>.

Questions for Students
Regarding Harassment Intimidation and Bullying (HIB) Policies and Practices

- Are you aware that there is a law requiring each school district to prohibit bullying and to impose consequences on bullies?
- Are you aware of the harmful effects of HIB particularly when adults are not perceived as protecting children? Examples of harmful effects include:
 - *Behavioral effects* – absenteeism, violence, retaliation, bullying, suicide.
 - *Physical effects* – headaches, dizziness, stomachaches, inability to concentrate.
 - *Emotional effects* – anxiety, powerlessness, low-self-esteem, depression.
- Are you aware that one person can make a difference in the life of a student who is a victim of bullying.
- Are you aware that in a bullying situation, the real power lies with bystanders, who are people that are present but not taking part when bullying occurs. Young people who witness bullying can often stop a bullying incident by saying, "Why are you doing that? That's not a good thing to do."

UNSAFE SCHOOL CHOICE OPTION POLICY
New Jersey Department of Education
Issued June 30, 2003
Reissued July 2010
For the 2010-2011 School Year

Statutory Requirement

The Unsafe School Choice Option provision (*Title IX, Part E, Subpart 2, SEC. 9532*) under the federal *No Child Left Behind Act (NCLB) of 2001* sets forth the following:

“Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a *persistently dangerous public elementary school or secondary school*, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a *victim of a violent criminal offense, as determined by State law*, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.” (*italics added*)

The intent of the statute and the New Jersey Department of Education’s (NJDOE) policy is to provide safety and security for students and to prevent unnecessary or extended interruptions to student learning.

Overview

The statute cited above contains two provisions that apply to all local educational agencies (LEAs):

- 1) Persistently dangerous schools (Provision I); and
- 2) Victims of violent criminal offenses (Provision II).

The required policy for these school safety requirements are provided below.

Specifically, effective the beginning of each school year (**by September 7 in 2010**), LEAs receiving NCLB funds must be prepared to complete the transfer of students who choose to exercise Provision I and Provision II of the Unsafe School Choice Option (USCO) policy set forth below. Compliance with the policy is a condition of receiving funds under any and all titles under NCLB. Chief school administrators will be required to certify compliance with the USCO policy of the NJDOE in their applications for NCLB funds.

Additionally, the USCO Policy is consistent with and supportive of the regulation at *N.J.A.C. 6A:16-5.3(i)*, which sets forth that:

“Each district board of education shall submit and implement corrective action plans for high incidences of violence, vandalism or alcohol or other drug abuse upon notification by the Commissioner of Education.”

USCO POLICY PROVISION I PERSISTENTLY DANGEROUS SCHOOLS

Introduction

A persistently dangerous school is a public elementary or secondary school building (except for Regional Day Schools, Educational Services Commissions and Special Services School Districts) that meets the objective criteria described below for three consecutive years and is part of an LEA. The NJDOE will use the most current available data from the Electronic Violence and Vandalism Reporting System (EVVRS) to identify persistently dangerous schools on or before **July 31** of each year, in compliance with federal regulations (68 *FR* 16789).

Types of Violent Incidents for Determining Persistently Dangerous Schools

Incidents of violence include the following acts, as defined in the Incident Detail section of the EVVRS User Manual.

Category A offenses are as follows:

1. A firearms offense set forth by New Jersey statute in accordance with the federal Gun-Free Schools Act.
2. An aggravated assault upon a student.
3. An assault with a weapon upon a student.
4. Any assault upon a member of the school district staff.

Category B offenses are as follows:

1. Simple Assault on a student.
2. Possession or sale of a weapon other than a firearm.
3. Gang Fight.
4. Robbery or Extortion.
5. Sex Offense.
6. Criminal Threat.
7. Arson.
8. Sale and Distribution of Drugs (excluding possession with intent).
9. Harassment, Intimidation, Bullying or Threat.

Criteria for Determining Persistently Dangerous Schools

The following criteria will be used by the NJDOE to determine a persistently dangerous school. A school that meets any of the two criteria in each of three consecutive school years and is part of an LEA will be determined to be persistently dangerous.

- The school has seven or more Category A offenses;

or

- The school has a score of 1.0 or greater on the index of Category B offenses where the index is defined as the result of dividing the number of Category B offenses by the square root of the school's enrollment.

Procedures and Guidelines for Schools Determined to be Persistently Dangerous

When schools are identified as persistently dangerous by the NJDOE, the LEAs will be notified of the designation on or before **July 31** of each year. Once the LEAs receive notification, the LEAs **must inform all parents** of enrolled students of the designation within **fifteen calendar days** of the date of the notice and offer them the option for their children to transfer to a safe public school within the LEAs by the **beginning of the respective school year**. LEAs must **complete** all transfers **by the beginning of the school year** following the July notification.

Students are not required to accept the transfer option, but they must be afforded the opportunity to do so. Parental notice regarding the status of the schools and the offer to transfer students should be made simultaneously. Parents of enrolled students must be notified of the persistently dangerous designation whether or not there is another school in the LEAs for the transferring students.

To the extent possible, LEAs should allow transferring students to transfer to schools that are making adequate yearly progress and have not been identified as being in need of school improvement, corrective action or restructuring. LEAs are encouraged to take into account the needs and preferences of the affected students and parents.

Corrective Action Plans for Schools Identified as Persistently Dangerous

For schools identified as persistently dangerous, LEAs are required to submit to the NJDOE on or before **August 23** **documentation of compliance with the parent notification requirement and actions taken** to complete the transfer arrangements for all students exercising the option **by the first day of the school year**. Additionally, LEAs are required to develop and submit for approval **corrective action plans** to the NJDOE on or before **September 30** of the same year, which will apply to the respective school year. The corrective action plans, which **must be completed in the format provided by the NJDOE**, will describe how the schools will reduce

the number of incidents of violence as determined by the EVVRS. The NJDOE will provide schools with guidance for their corrective action plans, as well as monitor schools' timely completion of the approved plans.

In the spring of each following year, the NJDOE will reevaluate the status of the schools identified as persistently dangerous. The NJDOE will review the schools' progress towards completing their corrective action plans and compare the current year's incidents of violence, as reported on the EVVRS, to the criteria for determining persistently dangerous schools (PDS). Schools identified as maintaining the persistently dangerous designation will be notified by the NJDOE on or before **July 31** of the respective year and will be required to submit for approval revised corrective action plans by **September 30** of that year, which will apply to the respective school year. LEAs **must inform all parents** of enrolled students of the designation within **fifteen calendar days** of the date of the notice and offer them the option for their children to transfer to safe public schools **by the beginning of the respective school year**, in accordance with the Procedures and Guidelines for Schools Determined to be Persistently Dangerous described above.

Schools no longer designated persistently dangerous will be notified on or before **July 31** of the respective year. The persistently dangerous school designation will be removed after one or more years contingent upon successful fulfillment of the criteria for removal, as determined by evidence of schools' progress toward successfully completing the approved corrective action plans, and evidence of incidents that no longer meet the Criteria for Determining Persistently Dangerous Schools, described above, for one school year, the year in which the corrective action plans were in effect.

Procedures and Guidelines for Early Warning of Schools

Effective in 2004, when schools meet the criteria set forth in this policy for two consecutive years, the LEAs will be notified of their pattern of offenses on or before **August 15** of each year. LEAs are required to develop and submit for approval **school safety plans** to the NJDOE on or before **September 30** of the same year, which will apply to the respective school year. The school safety plans, which **must be completed in the format provided by the NJDOE**, will describe how the schools will reduce the number of incidents of violence as determined by the EVVRS. The NJDOE will provide the schools with guidance for their school safety plans, as well as monitor schools' timely completion of the approved plans. **Schools receiving an "early warning" notice are *not* required to provide the transfer option to students.**

In the spring of each following year, the NJDOE will reevaluate the schools' progress towards completing their school safety plans and compare the current year's incidents of violence, as reported on the EVVRS, to the criteria for determining persistently dangerous schools. Schools will be notified of their status on or before **July 31** of the respective year.

Schools that have successfully completed their school safety plans and reported violent incidents that no longer meet the Criteria for Determining Persistently Dangerous Schools described above for one school year, the year in which the school safety plans were in effect, will no longer be required to submit a school safety plan.

Schools that do not successfully complete their school safety plans and that meet the criteria set forth in this policy for a third consecutive year will be designated as persistently dangerous and required to submit for approval corrective action plans on or before **September 30** of that year, which will apply to the respective school year, and provide the transfer option to students in the schools designated as persistently dangerous.

Schools Not Receiving NCLB Funds but Meeting the Criteria for PDS

School buildings and districts that are not part of an LEA that receives federal funds under NCLB but meet any one of the criteria for persistently dangerous schools will be contacted by the NJDOE and required to develop and submit for approval **school safety plans** on or before **September 30** of the respective year. The school safety plans must be **completed in the format provided by the NJDOE** and describe how the schools will reduce the number of incidents of violence as determined by the EVVRS. The NJDOE will provide schools with guidance for their school safety plans, as well as monitor schools' timely completion of the approved plans.

Special Schools Meeting the Criteria for PDS

Regional Day Schools, Special Services Districts and Educational Services Commissions that meet any one of the criteria for persistently dangerous schools will not be identified as such but will be contacted by the NJDOE and required to develop and submit for approval **school safety plans** on or before **September 30** of the respective year. The school safety plans must be **completed in the format provided by the NJDOE** and describe how the schools will reduce the number of incidents of violence as determined by the EVVRS. The NJDOE will provide schools with guidance for their school safety plans, as well as monitor schools' timely completion of the approved plans.

USCO POLICY PROVISION II VICTIMS OF VIOLENT CRIMINAL OFFENSES

Introduction

The Unsafe School Choice Option provision (*Section 9532 of Title IX*) under the *No Child Left Behind Act (NCLB) of 2001* sets forth, in part, the following which applies to all school buildings that are a part of an LEA:

“... a student ... who becomes a *victim of a violent criminal offense*, as determined by *State law*, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
(*italics added*)

The individual victim provision of the USCO policy attempts to fulfill the requirement for LEAs to provide relief to students who have been victimized, while providing schools with a *practical* means for making determinations on incidents of victimization that are within the purview of LEAs. The individual victim policy has been crafted to enable school staff to make reasonable determinations and actions regarding the policy. LEAs are strongly encouraged, however, to consult with their school board attorneys and communicate with designated local and/or county law enforcement authorities, per the provisions of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials* and *N.J.A.C. 6A:16-6.2(b)13*, on questions and issues that arise in the implementation of the individual victims of violent criminal offenses policy. A copy of the model *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials* may be obtained at the following web site: <http://www.nj.gov/education/schools/security/regs/agree.pdf>.

Criteria for Determining Victims of Violent Criminal Offenses

The following criteria **must be used to determine when an enrolled student has become a victim of a violent criminal offense** while in or on the grounds of a public elementary or secondary school that the student attends. These criteria only apply to a student who has become a victim of one or more of the violent criminal offenses enumerated below.

A student is considered a victim of a violent criminal offense when:

- 1) A referral has been made to law enforcement officials for suspicion that one of the violent criminal offenses enumerated below has occurred; **and**
- 2) One or more of the following applies:
 - Law enforcement officials have filed formal charges against the perpetrator(s) for commission of the violent crime; **or**
 - The perpetrator(s) of the violent crime has received sanctions in accordance with the district board of education's code of student conduct, pursuant to *N.J.A.C. 6A:16-7*; **or**

- The perpetrator(s) of the violent crime either has not been identified or is not an enrolled student(s), but it is clear that the student (victim) has become a victim of a violent criminal offense based on objective indicators such as physical evidence, eyewitness testimony, and/or circumstantial evidence; **or**
- The pre-existence of a restraining order against the perpetrator(s) of the violent crime.

Procedures and Guidelines

Effective the first day of each school year (by **September 7 in 2010**), LEAs must be prepared to begin the transfer of any student who chooses to exercise the individual choice option provision. **An LEA must offer, within 14 calendar days of the incident, an opportunity to transfer** to a safe public school within the LEA to **any student who has become a victim of a violent criminal offense** while in or on the grounds of a public school that the student attends. While the student must be offered the opportunity to transfer, the student may elect to remain at the school.

To the extent possible, LEAs should allow any transferring student to transfer to a school that is making adequate yearly progress and has not been identified as being in need of school improvement, corrective action or restructuring. LEAs are encouraged to take into account the needs and preferences of the affected student and his or her parent(s). **Transfers must occur within 30 days of the determination** that the student was a victim of a violent criminal offense.

Violent Criminal Offenses

The violent criminal offenses under New Jersey statutes that apply to the individual victim provision described above are identified and explained below. The offenses apply to **completed offenses**, as well as **threats and attempts** to commit the offenses. The offenses and attempts to commit the offenses apply only when they occur **in or on the school grounds, as defined in N.J.A.C. 6A:16-1.3***, of a school that the student attends. The offenses apply whether they occur **wholly or in part** in or on the grounds of a school that the student attends.

The offenses apply only to acts or attempts that are directed at a **person** (victim) or a **group of specified individuals** (victims), rather than acts that indiscriminately affect the entire school population or non-specified individuals or groups. For the purposes of the Unsafe School Choice Option policy, the term victim **shall not** include a student who purposely, knowingly or recklessly **provokes** the conduct constituting the criminal incident against him or her.

* "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

Applicable Violent Criminal Offenses

Provided below is a description of each applicable violent criminal offense that is based upon New Jersey statutes and references to statutory citations that provide complete explanations of each designated offense. The descriptions provided below are **not intended to be a complete explanation of each offense** or a substitute for the actual provisions of the authorizing statutes. Instead, the descriptions are provided as an aid in facilitating understanding of the general intent and practical applications of the violent criminal offenses that pertain to the Unsafe School Choice Option policy.

Homicide [N.J.S.A. 2C :11-2]

A student is a victim of a homicide when he or she is the child, sibling or other relative of a decedent, resulting from someone purposely¹, knowingly² or recklessly³ causing the death of the student's parent, sibling or relative in or on school grounds.

¹ "Purposely." A person acts purposely with respect to the nature of his or her conduct or a result thereof if it is his or her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he or she is aware of the existence of such circumstances or he or she believes or hopes that they exist. [N.J.S.A. 2C:2-2(b)(1)]

² "Knowingly." A person acts knowingly with respect to the nature of his conduct or the attendant circumstances if he or she is aware that his or her conduct is of that nature, or that such circumstances exist, or he or she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his or her conduct if he or she is aware that it is practically certain that his or her conduct will cause such a result. [N.J.S.A. 2C:2-2(b)(2)]

³ "Recklessly." A person acts recklessly with respect to a material element of an offense when he or she consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation. [N.J.S.A. 2C:2-2(b)(3)]

Assault [N.J.S.A. 2C:12-1(a)(1) and 2C:12-1(b)(1)]

A person is a victim of an assault when the actor:

- Purposely¹, knowingly² or recklessly³ causes bodily injury⁴ to the victim. [N.J.S.A. 2C:12-1(a)(1)]
- Negligently⁵, recklessly³, knowingly² or purposely¹ causes bodily injury to the victim with a deadly weapon⁶. [N.J.S.A. 2C:12-1(a)(2), N.J.S.A. 2C:12-1(b)(2) and N.J.S.A. 2C:12-1(b)(3)]
- Attempts by physical menace to put the victim in fear of imminent serious bodily injury⁷ [N.J.S.A. 2C:12-1(a)(3)]
- Knowingly points a firearm⁸ at or in the direction of the victim, whether or not the actor believes it to be loaded. [N.J.S.A. 2C:12-1(d)(4)]

⁴ *“Bodily injury” means physical pain, illness or any impairment of physical condition. [N.J.S.A. 2C:11-1(a)]*

⁵ *“Negligently.” A person acts negligently with respect to a material element of an offense when he or she should be aware of a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that the actor’s failure to perceive it, considering the nature and purpose of his or her conduct and the circumstances known to him or her, involves a gross deviation from the standard of care that a reasonable person would observe in the actor’s situation. [N.J.S.A. 2C:2-2(b)(4)]*

⁶ *“Deadly weapon” means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury or which in the manner it is fashioned would lead the victim reasonably to believe it to be capable of producing death or serious bodily injury. [N.J.S.A. 2C:11-1(c)]*

⁷ *“Serious bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. [N.J.S.A. 2C:11-1(b)]*

⁸ *“Firearm” means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.[N.J.S.A. 2C:39-1(f)]*

Sexual Assault [N.J.S.A. 2C:14-2]

1. *Aggravated Sexual Assault* - A person is a victim of an aggravated sexual assault when the actor commits an act of sexual penetration⁹ with the victim under any of the following circumstances:

- The victim is less than 13 years old.
- The victim is at least 13 but less than 16 years old; and
 - the actor is related to the victim by blood or affinity to the third degree; or
 - the actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional or occupational status; or
 - the actor is a foster parent, a guardian or stands in loco parentis within the household.
- The act is committed on the victim during the commission, or attempted commission, whether alone or with one or more persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape.
- The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object on the victim.
- The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion on the victim.

- The actor uses physical force or coercion and severe personal injury is sustained by the victim.
- The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

2. *Sexual Assault* - A person is a victim of a sexual assault when:

- The actor commits an act of sexual contact¹⁰ with a victim who is less than 13 years old and the actor is at least four years older than the victim.
- The actor commits an act of sexual penetration⁹ with a victim under any of the following circumstances:
 - The actor uses physical force or coercion, but the victim does not sustain severe personal injury.
 - The victim is at least 16 but less than 18 years old.
 - The actor has supervisory or disciplinary power of any nature or in any capacity over the victim.
 - The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

⁹ “Sexual penetration” means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor’s instruction. The depth of the insertion is not relevant to the question of the commission of the crime. [N.J.S.A. 2C:14-1(c)]

¹⁰ “Sexual contact” means an intentional touching by the victim or actor, either directly or through clothing, of the victim’s or actor’s intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself or herself must be in view of the victim whom the actor knows to be present. [N.J.S.A. 2C:14-1(d)]

Bias Intimidation [N.J.S.A. 2C:16-1(a)]

A person is a victim of the crime of bias intimidation when an actor commits, attempts to commit, conspires with another to commit or threatens the immediate commission of an offense specified in *Chapters 11 through 18 of Title 2C of the New Jersey Statutes*; N.J.S.A. 2C:33-4; N.J.S.A. 2C:39-3; N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-5 in the following circumstances:

- With a purpose to intimidate a victim or a group of specified victims because of race, color, religion, gender, handicap, sexual orientation or ethnicity; or
- Knowing that the conduct constituting the offense would cause a victim or a group of specified victims to be intimidated because of race, color, religion, gender, handicap, sexual orientation or ethnicity; or

- Under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that –
 - The offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, handicap, sexual orientation or ethnicity; or
 - The victim or the victim's property was selected to be the target of the offense because of race, color, religion, gender, handicap, sexual orientation or ethnicity.

Terroristic Threat [N.J.S.A. 2C:12-3(a) and 2C:12-3(b)]

A person is a victim of a terroristic threat when the actor threatens to commit one of the violent criminal offenses enumerated under the USCO Policy Provision II against the victim with the purpose to put the student in imminent fear of one of the violent crimes enumerated in the USCO Policy Provision II under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out. The definition of terroristic threat applies to *N.J.S.A. 2C:12-3(a)* insofar as the threat was directed at a person (victim) or a group of specified individuals (victims).

Robbery [N.J.S.A. 2C:15-1]

A person is a victim of a robbery when the actor, in the course of committing a theft, inflicts bodily injury; or uses force upon the victim; or threatens the victim with or purposely puts the victim in fear of immediate bodily injury.

Kidnapping [N.J.S.A. 2C:13-1]

A person is a victim of a kidnapping when the actor unlawfully removes the victim from the school or school grounds; or the actor unlawfully confines the victim with the purpose of holding the victim for ransom or reward as a shield or hostage; or the actor unlawfully removes the victim from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or if the actor unlawfully confines a student for a substantial period of time with any of the following purposes: to facilitate commission of a crime or flight thereafter, or to inflict bodily injury on or terrorize the victim.

Arson [N.J.S.A. 2C:17-1]

A person is a victim of arson when the actor purposely or knowingly starts a fire or causes an explosion in or on the grounds of a school whereby the victim or group of specified victims are in danger of death or bodily injury; or with the purpose of destroying or damaging the victim's or group of specified victim's property that is in the school or on school grounds.

VIOLENCE, VANDALISM, AND SUBSTANCE ABUSE (VV-SA) INCIDENT REPORT FORM

2009-2010 INCIDENT INFORMATION

System-Assigned
Incident Number _____
Local Incident Number
(Optional) _____

INCIDENT HEADER (One incident record only for all offenders and victims)

School Name: _____

Location: _____ Cafeteria _____ Classroom _____ Corridor _____ Other inside school _____ School grounds _____ Bus _____ Building exterior _____ District office
_____ Other outside _____ Off-site program _____ School entrance

Date of Incident: _____ **Time of Incident:** _____ **Bias Incident** _____ **Gang-Related** _____

Police Notification: _____ None _____ Police notified, complaint filed _____ Police notified, no complaint filed

Contact Name: _____ **Contact Phone #** _____

INCIDENT DETAIL

VIOLENCE

_____ Assault
_____ Criminal Threat
_____ Extortion
_____ Fight
_____ Harassment, Intimidation, Bullying, Threat
_____ Kidnapping
_____ Robbery
_____ Sex Offense

WEAPONS *Check either Possession or Used in Offense*

<u>Possession</u>	<u>Used in Offense</u>
_____	_____ Handgun
_____	_____ Rifle
_____	_____ Air gun, Pellet Gun, BB Gun
_____	_____ Imitation firearm
_____	_____ Knife, Blade, Razor, Scissors, Box Cutter
_____	_____ Pin, sharp pen/pencil
_____	_____ Chain, club, brass knuckles
_____	_____ Spray
_____	_____ Other

_____ Sale/distribution of weapon

BOMB OFFENSE

_____ Bomb – exploded
_____ Bomb – unexploded

VANDALISM/RELATED

_____ Arson _____ Theft (>=\$10)
_____ Bomb Threat _____ Trespassing
_____ Burglary
_____ Damage to Property
_____ Fake Bomb
_____ Fire Alarm Offense
_____ Fireworks Offense
_____ Cost incurred by LEA? (check)

SUBSTANCE OFFENSE

_____ Use confirmed _____ Possession _____ Sale/Distribution

SUBSTANCE TYPE

_____ Alcohol	_____ Narcotics (e.g., heroin, morphine)
_____ Marijuana	_____ Depressants (e.g., barbiturates, tranquilizers)
_____ Amphetamines	_____ Anabolic steroids
_____ Party drug	_____ Unauthorized prescription drugs
_____ Cocaine/Crack	_____ Unauthorized over the counter drugs
_____ Hallucinogens	_____ Inhalants
(e.g., LSD, PCP)	_____ Drug paraphernalia

Incident Description: _____

OFFENDER (Check one):

- ☐ Known – Attach Offender Page(s)
☐ Unknown – Do not attach Offender Page

Signature 1

Title

Date

Signature 2 (principal)

Date

VV-SA, OFFENDER INFORMATION, 2009-2010

System-Assigned Incident Number _____

OFFENDER TYPE: ☐ General education student ☐ Student with disabilities ☐ Student from another school ☐ Non-student

For students of this school only

Removal: ☐ Yes – Select action(s) taken from section A and/or B ☐ No – Select action taken from section C

STUDENT ID NUMBER: _____

Disciplinary action(s) taken and days suspended or removed

SECTION A

Days

☐ In-school suspension _____
☐ Out-of-school suspension _____
☐ Expulsion _____

SECTION B

Days

☐ Unilateral removal _____
☐ Removal by ALJ for _____
 dangerousness

SECTION C

☐ None
☐ Detention
☐ Other

Program/Services provided upon disciplinary action: (check all that apply) ☐ None ☐ Assignment(s) ☐ Academic Instruction (only)
☐ Support Services (only) ☐ Educational Program (Academic Instruction and Support Services)

Location of Program/Services: (check all that apply) ☐ In-school setting ☐ *In-district alternative education program ☐ Other in-district setting
☐ Home (includes home instruction) ☐ *Out-of-district alternative education program ☐ Other out-of-district setting

****District Board of Education or Department of Education approved only***

Offender caused: ☐ Minor injury ☐ Major injury **Offender incurred:** ☐ Minor injury ☐ Major injury ***See definitions below.***

Minor Injury: Injury such as a cut, abrasion, burn or bruise where the individual was seen by the school nurse and received treatment, e.g., an ice pack, topical preparation, or bandaging; or the individual was referred to a medical practice or facility for observation and/or treatment, and the injury was not considered major as defined below

Major Injury: Injury which requires medical treatment and includes concussions, injured organs, fractured or broken bones, severe burns, or cuts requiring stitches. The injury could be a ***serious bodily injury*** as defined below.

For students with disabilities causing a major injury, only. Did the offender cause Serious Bodily Injury, defined as an injury which involves (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty? ☐ Yes ☐ No

STUDENT FIRST NAME: _____ **STUDENT LAST NAME:** _____

STATE (NJSMART) STUDENT ID _____ **GENDER:** ☐ Male ☐ Female

ETHNICITY: Hispanic: ☐ Yes ☐ No **RACE:** (check all that apply) ☐ American Indian or Alaskan Native ☐ Asian ☐ Black or African American
 ☐ Native Hawaiian or Other Pacific Islander ☐ White

GRADE: ☐ K ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12

SPECIAL EDUCATION ELIGIBILITY CRITERIA

<input type="checkbox"/> Autism	<input type="checkbox"/> Hearing impairments	<input type="checkbox"/> Other health impairments	<input type="checkbox"/> Speech language impairments
<input type="checkbox"/> Deaf-blindness	<input type="checkbox"/> Multiple disabilities	<input type="checkbox"/> Orthopedic Impairments	<input type="checkbox"/> Traumatic brain injury
<input type="checkbox"/> Emotional disturbance	<input type="checkbox"/> Mental retardation	<input type="checkbox"/> Specific learning disabilities	<input type="checkbox"/> Visual impairments

LEP: ☐ Check if "Yes." **Section 504:** ☐ Check if "Yes."

Check the type of offense committed by this offender: ☐ Violence ☐ Vandalism ☐ Weapon ☐ Substance Abuse

VV-SA, VICTIM INFORMATION, 2009-2010

System-Assigned Incident Number _____

VICTIM TYPE: ☐ General education student ☐ Student with disabilities ☐ Student from another school ☐ Non-student ☐ School personnel ☐ Identifiable group

STUDENT ID NUMBER: _____

Victim incurred: ☐ Minor injury ☐ Major injury ☐ Serious Bodily Injury **See definitions below.**

Minor Injury: Injury such as a cut, abrasion, burn or bruise where the individual was seen by the school nurse and received treatment, e.g. an ice pack, topical preparation, or bandaging; or the individual was referred to a medical practice or facility for observation and/or treatment, and the injury was not considered major as defined below

Major Injury: Injury which includes concussions, injured organs, fractured or broken bones, severe burns, or cuts requiring stitches.

Serious Bodily Injury: Indicated only if this victim incurred a major injury caused by a student with disabilities. Defined as a injury which involves (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty? If checked, **Major Injury** must also be checked.

For students of this school only

VICTIM OF A VIOLENT CRIMINAL OFFENSE?* ☐ Yes ☐ No If 'No,' Stop here.

Transfer Option Available? ☐ Yes ☐ No If 'No,' Stop here.

Outcome:

- ☐ Transfer Option Accepted, Transfer completed
- ☐ Transfer Option Accepted, Transfer not completed
- ☐ Transfer Option Declined

STUDENT FIRST NAME: _____ **STUDENT LAST NAME:** _____

STATE (NJSMART) STUDENT ID _____ **GENDER:** ☐ Male ☐ Female

ETHNICITY: Hispanic: ☐ Yes ☐ No **RACE:** (check all that apply) ☐ American Indian or Alaskan Native ☐ Asian ☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander ☐ White

GRADE: ☐ K ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12

SPECIAL EDUCATION ELIGIBILITY CRITERIA

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Autism | <input type="checkbox"/> Hearing impairments | <input type="checkbox"/> Other health impairments | <input type="checkbox"/> Speech language impairments |
| <input type="checkbox"/> Deaf-blindness | <input type="checkbox"/> Multiple disabilities | <input type="checkbox"/> Orthopedic Impairments | <input type="checkbox"/> Traumatic brain injury |
| <input type="checkbox"/> Emotional disturbance | <input type="checkbox"/> Mental retardation | <input type="checkbox"/> Specific learning disabilities | <input type="checkbox"/> Visual impairments |

LEP: ☐ Check if "Yes."

Section 504: ☐ Check if "Yes."

*See Appendix C of the EVVRS User Manual, <http://homeroom.state.nj.us/index.htm>.